This report contains a summary and the SOGIESC recommendations of the 31st UPR Working Group. The structure of the report includes SOGIESC remarks made by the State under Review, advanced questions from Member States and recommendations of Cycle II and III.

The report is based on the draft report submitted by the Working Group and notes taken by ILGA during the Working Group Sessions.

For further information on the UPR, please contact: upr@ilga.org.
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Belize
UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 12 NOVEMBER 2018, 14:30–18:00
DATE AND TIME OF THE ADOPTION OF THE REPORT: 15 NOVEMBER 2018, 16:30 – 18:00

During the 31st UPR Working Group Sessions, Belize received 15 SOGIESC recommendations. It accepted 13 recommendations and noted 2 recommendations.

A. SOGIESC Information

National Report

45. The GoB through the National Aids Commission (NAC) continues to increase efforts and resources to tackle HIV/AIDS. The NAC coordinates, facilitates and monitors Belize’s National Response to HIV/AIDS. The National Strategic Plan (NSP) is based on the principle of gender equity and equality and non-discrimination with a response that secures for all persons the right to freedom from discrimination because of age, race, sex, gender roles, sexual orientation, socio-economic status, geographic location, disability and level of literacy. The NSP strives specifically to protect the right to good health and health services of vulnerable and most-at-risk girls, boys, women and men and the right to universal access to affordable and proper health care for persons infected with and affected by HIV.

50. At the regional level, the NAC partners with Caribbean Vulnerable Communities Coalition (CVC). The NAC in collaboration with CVC provided training to the stakeholders of both Civil Society Organizations (CSOs) and members of the Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI) community on Legal Literacy and Advocacy. This activity is part of a three (3) year regional project titled: Challenging Stigma and Discrimination to Improve Access to and Quality of HIV Services in the Caribbean.

Compilation of UN Information

13. Regarding the relevant recommendations from the second cycle of the universal periodic review, the country team stated that Belize had not taken any action to review the Constitution or to pass specific legislation to address discrimination against different groups. It reported that in 2016 the Supreme Court had ruled that section 53 of the Criminal Code could not be used to criminalize sexual activity between consenting adults committed in the privacy of their homes.

52. While noting that the principle of non-discrimination had been enshrined in the 1981 Constitution, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families remained gravely concerned at the discriminatory provisions of the Immigration Act of 2000 relating to foreign nationals. In particular, the Committee was concerned that entry could be denied to a migrant worker and dependent children under 16 years of age on discriminatory grounds, including health or
medical status, irrespective of whether there was a risk or danger to public health; and physical or psychosocial disability, if it was considered likely to become a burden on public funds; as well as to homosexuals, sex workers, and persons suffering from a communicable disease, including HIV/AIDS. The Committee was also concerned that the Act empowered immigration officers to request any migrant worker wishing to enter the country to undergo a medical examination on the basis of such discriminatory grounds. The Committee urged Belize to repeal all discriminatory provisions regarding entry of migrant workers and bring its legislation and practice into line with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Summary of Stakeholder’s Information

10. JS2 recommended that Belize establish a centralised mechanism accessible to LGBT Belizians that could investigate and sanction perpetrators of civil rights violations.

11. JS2 reported that LGBT Belizians continued to experience crime and violence that went undocumented. It recommended that Belize centralise disaggregated data collection on violence and discrimination through the police department and the Ministry of Health and develop a trauma-centred strategy and an anti-violence prevention plan that could be incorporated in the current National Security Strategic Plan.

12. JS2 noted that, although police intimidation based on gender orientation or gender identity was not a State policy in Belize, it was a police’s practice to reject, ignore or dismiss reports if the person was effeminate, a transwoman or very young. It recommended that Belize develop a zero-tolerance policy against discrimination and establish a nondiscrimination position within the police department on how to handle reports of violence against sex workers and LGBT individuals.

13. The Belize Family Life Association (BFLA) recommended that Belize ensure the establishment of efficient and effective systems for redress in instances of violence and discrimination based on sexual orientation, gender identity or expression and/or HIV status.

19. JS2 recommended that Belize amend the definition of family and make it gender neutral, revise its legislation to acknowledge common law unions as between “two persons” and define “spouse” in such a way that the other laws concerning family and property rights could be inclusive of same sex couples. It also recommended that Belize establish civil partnership laws to guarantee same-sex couples’ socio-economic and reproductive rights.

32. JS2 reported cases of discrimination against LGBT persons in the education sector and noted the lack of a law or national policy on bullying in education.

40. JS2 noted that Belize’s immigration law prohibited LGBT immigrants from entering the country. It recommended that Belize amend any section of such law that promoted or reinforced discriminatory practices in immigration and establish an accessible complaint mechanism.
B. SOGIESC Advanced Questions for Belize

- **Uruguay**: In addition, the Government of Uruguay would also appreciate to know if there has been any advance regarding the Constitution and applicable law reviews, to explicitly prohibit discrimination based on sexual orientation or gender identity.

C. Belize’s Working Group Session

- **Opening Remarks**: Recently, based on these constitutional guarantees, members of the LGBTQI community tasked the Supreme Court with determining the unconstitutionality of section 53 of the Criminal Code, which criminalizes consensual sexual intercourse between two adults of the same sex. The Supreme Court upheld the constitutional guarantee of non-discrimination and struck down section 53.

- **Closing remarks**: Comprehensive sexuality education is something that is a bit controversial in Belize, but we know that there is no choice, that our children our young people must have this type of information and to be able to make choices, healthy choices about their future, about their health, about their bodies. We are pleased to report that in 2017 we completed a study of our health and family life education curriculum and tried to measure that against a UNESCO tool on data gathering of sexuality education and HIV prevention to see where there was concurrence and where the gaps are. And we use that information to be able to fill those gaps. What we found basically is that when it comes to education for comprehensive sexuality, family life education, for young people from 12 to 15 and 15 to 18, we were doing very badly. There was a gap in terms of age appropriate information for younger children so we have taken that information assessment and used as a basis to look at the curriculum and fill those gaps.

D. Recommendations for Cycle III (2018)

a) **Remarks of States**

- **Netherlands**: While appreciating the positive developments in Belize, we remain concerned about several aspects of sexual and reproductive rights and sexual orientation and gender identity.

- **United Kingdom**: We commend Belize for fostering a national debate on the rights of LGBTI persons and the sodomy law, however we note with concern that LGBTI persons continue to face discrimination in the public sphere, including when making complaints to the police.

- **Canada**: Canada commends Belize for decriminalizing same-sex sexual activity and for its progress in the recognition and protection of Indigenous land rights.

- **Iceland**: Iceland also welcomes the ruling of the Supreme Court in 2016 that section 53 of the Criminal Code could not be used to criminalize sexual activity between consenting adults. However, Iceland is concerned that Belize has not taken action to review the Constitution or to pass specific legislation to address discrimination against different groups.

- **Spain**: Spain closely follows the situation of LGTBI people who are victims of acts of violence and subject to both legal and social discrimination.
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

- **United States**: We are encouraged by Belize’s decriminalization of same-sex sexual conduct among consensual adults but urges actions against violence and discrimination.
- **Australia**: We are encouraged by legal progress towards decriminalisation of consensual same-sex relationships since Belize’s second cycle review.
- **Ireland**: Ireland is concerned about the level of unreported cases of discrimination and violence, including police intimidation, against members of the LGBTI community.
- **Mexico**: We would like to welcome in particular the 26th decision of Belize’s Supreme Court pursuant to which consensual same-sex relations between adults will be decriminalized. And we hope that this measure will contribute to reduce discrimination on any basis.
- **France**: The situation of human rights in Belize has been marked by some recent progress, including the decriminalization of homosexuality.

b) The following recommendations have been examined by Belize and enjoy the support of Belize

- **Spain**: Carry out the necessary legal reforms so that the legislation guarantees the protection and promotion of the rights of the LGBTI persons thereby avoiding discrimination on the basis of sexual orientation and gender identity (6.17).
- **United States of America**: Ensure legal protections are enforced to address violence against LGBTI individuals as well as discrimination such as in housing, employment and government services (6.18).
- **Argentina**: Take the necessary measures to investigate and punish cases of discrimination based on sexual orientation (6.19).
- **Australia**: Take further measures to reduce the societal stigma faced by LGBTI persons, including through enacting laws that prohibit discrimination against them (6.20).
- **Chile**: Adopt specific legislation aimed at eradicating, punishing and preventing all forms of discrimination, violence or abuse against people based on their sexual orientation or gender identity (6.21).
- **France**: Combat discrimination against LGBTI persons (6.22).
- **Germany**: Secure equal human rights for LGBTI persons by adding sexual orientation and gender identity to the anti-discrimination legislation, in order to protect LGBTI persons against discrimination and violence (6.23).
- **Italy**: Take measures to fight all forms of discrimination, including those based on sexual orientation and gender identity (6.24).
- **Mexico**: Include sexual orientation and gender identity in the collection of statistical data in order to develop policies that effectively combat violence, discrimination and harassment against LGBTI persons (6.25).
- **Uruguay**: Strengthen the capacities of police officers to better treat cases of violence against sexual workers and LGBTI persons (6.31).
- **Ireland**: Develop and implement training programmes for State authorities, including law enforcement and judicial officials, to ensure non-discrimination and protection of LGBTI persons (6.32).
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- **Brazil**: Take concrete steps to ensure universal access to sexual and reproductive health services, including HIV tests, with particular attention to the specific needs of women and girls, and the LGBTI population (6.55).

- **Iceland**: Ensure that an effective HIV/AIDS Prevention Strategy includes the principles of human rights and non-discrimination on the basis of gender, age, sexual orientation or gender identity (6.56).

c) **The following recommendations have been examined by Belize and have been noted by Belize**

- **Netherlands**: Include an explicit prohibition of discrimination on the basis of sexual orientation or gender identity in the Constitution and amend any other relevant legislation, such as the Administration of Estates Act and the Social Security Act, in order for same-sex couples to enjoy equal rights a heterosexual couples (8.8).

- **Uruguay**: Review the Constitution and legislation in order to explicitly prohibit discrimination on the basis of gender and sexual orientation (8.9).

E. Recommendations for Cycle II (2013)

<table>
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<tr>
<th>RECOMMENDATION</th>
<th>RECOMMENDING STATE</th>
<th>RESPONSE</th>
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<tr>
<td>Adjust immigration laws to international standards to which Belize is a party, to avoid discrimination against vulnerable groups in particular persons with cognitive disabilities and LGBT</td>
<td>Colombia</td>
<td>Noted</td>
</tr>
<tr>
<td>Provide state authorities, including law enforcement and judicial officials, with human rights training for the protection of women and members of minority groups, such as lesbian, gay, bisexual, and transgender persons</td>
<td>United States</td>
<td>Noted</td>
</tr>
<tr>
<td>Ensure the prohibition of discrimination on the grounds of sexual orientation and gender identity</td>
<td>Netherlands</td>
<td>Noted</td>
</tr>
<tr>
<td>Take all necessary measures to guarantee the human rights of LGBT individuals and that they do not face persecution of any kind</td>
<td>Brazil</td>
<td>Noted</td>
</tr>
<tr>
<td>Consider the possibility of</td>
<td>Argentina</td>
<td>Noted</td>
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The International Lesbian, Gay, Bisexual, Trans and Intersex Association

<table>
<thead>
<tr>
<th>Action</th>
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<tr>
<td>adopting the necessary measures to eliminate all discriminatory treatment and criminalization based on sexual orientation</td>
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<tr>
<td>Review the Constitution and legislation, in order to explicitly prohibit discrimination on the basis of sexual orientation or gender identity</td>
<td>Uruguay</td>
<td>Noted</td>
</tr>
<tr>
<td>Review and adapt its Constitution and laws to ensure that discrimination on grounds of sexual orientation and gender identity is prohibited</td>
<td>Germany</td>
<td>Noted</td>
</tr>
<tr>
<td>Review its Constitution and legislation to ensure that discrimination on the basis of sexual orientation and gender identity is prohibited</td>
<td>Norway</td>
<td>Noted</td>
</tr>
<tr>
<td>Ensure its Criminal Code provisions do not criminalize individuals based on sexual orientation</td>
<td>Canada</td>
<td>Noted</td>
</tr>
<tr>
<td>Amend legislation in order to combat discrimination and hostility toward LGBT groups</td>
<td>Spain</td>
<td>Noted</td>
</tr>
<tr>
<td>Repeal all provisions that may lead to discrimination on the grounds of sexual orientation or gender identity and respect fundamental freedoms of all the citizens</td>
<td>France</td>
<td>Noted</td>
</tr>
<tr>
<td>Eliminate provisions that favour discriminatory practices against persons based on their sexual orientation and gender identity</td>
<td>Chile</td>
<td>Noted</td>
</tr>
<tr>
<td>Take steps to remove domestic legislation that outlaws same-sex activity between consenting adults, and develop policies to address discrimination against LGBT people</td>
<td>United Kingdom</td>
<td>Noted</td>
</tr>
<tr>
<td>Reform existing laws that can</td>
<td>United States</td>
<td>Noted</td>
</tr>
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</table>
be used to discriminate against lesbian, gay, bisexual, and transgender persons, including the provision of "unnatural crime" laws prohibiting "carnal intercourse against the order of nature"

F. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: UPR LGBT Coalition

- Establish and implement a policy and complaint procedure for Customs and Immigration to address discrimination based on sexual orientation and gender identity.
- Include sexual orientation and gender identity in data collection and research on violence, discrimination and bullying in schools.
- Develop a trauma-centred strategy and anti-violence prevention plan that can be incorporated in the current National Security Strategic Plan.
- Establish a non-discriminatory policy position within the police department to handle reports of violence against sex workers and LGBT individuals.
- Centralise protection in housing, health, bullying in education, public accommodation services, employments, hate crime and speech in one anti-discrimination legislation by the end of 2019.
- Revise Part XI of the Supreme Court of Judicature Act, Chapter 91 (Revised Edition 2011) Substantive Laws of Belize, to acknowledge common law unions as between “two persons”.
- Define spouse in such a way that the other laws concerning family, and property rights can be inclusive of same-sex couples.
- Establish civil partnership laws with the legal guarantee to provide same-sex couples socio-economic, and reproductive rights.
- Develop a zero-tolerance policy on non-discrimination in investigations, report taking, support and legal procedures by police officers, especially based on sexual orientation and gender identity.
- Develop a non-discrimination law that ensures the access to and delivery of public goods and services regardless of sexual orientation or gender identity.
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G. Graphic Comparison Between Cycles (1—3)

![Number of SOGIESC Recommendations Received by Belize Per Cycle]

H. Video of Belize’s UPR Working Group Session

I. SOGIESC Mentions During Belize’s UPR Outcome (Item 6, 40th Human Rights Council Session)

- **Belize (Opening remarks):** Belize accepted the majority of the recommendations regarding equality and non-discrimination. Our constitution protects every person from any type of discrimination. As we informed in our report, the Supreme Court recently upheld the constitutional guarantee of non-discrimination by striking down section 53 of the Criminal Code, which criminalized consensual sexual intercourse between two adults of the same sex. In order to directly address issues of discrimination, including against LGBTI individuals, the government is in the process of developing an anti-discrimination bill that is intended to address discrimination in a comprehensive manner. Mr. president, Belize will continue to work to fight all forms of discrimination, including those based on sexual orientation and gender identity.

- **Chile:** We commend Belize on having accepted 100 out of 134 recommendations made by states during its review, including the recommendation to establish a NHRI in line with the Paris Principles and adopt specific legislation in eradicating, punishing and preventing all forms of discrimination, including those based on sexual orientation and gender identity.

- **International Planned Parenthood Federation** commended Belize’s demonstration to reform its health care system to remove legal barriers to ensure the access of women, girls and the LGBTI persons access to non-discriminatory services sexual and reproductive rights, including the prevention of HIV/AIDS. It also applauded the willingness to promote and protect the human rights of LGBTI persons.

- **COC Nederlands** expressed concern that no deadline has been set to present an anti-discrimination bill to parliament and that after 9 years of accepting recommendations to develop a National Human Rights Institute, no deadline has been defined to conduct and finalise a feasibility study. Furthermore, the gender equality framework that has been
developed on paper has not been fully realised in budget allocation; a strong accountability mechanism to address police officers abuse of power is still lacking.
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

CENTRAL AFRICAN REPUBLIC
UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 9 NOVEMBER 2018, 9:00–12:30

During the 31st UPR Working Group Sessions, Central African Republic received 2 SOGIESC recommendations. It accepted the 2 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

N/A

Summary of Stakeholder’s Information

7. Alternatives-Centrafrique noted that some people in the Central African Republic experience discrimination on account of their sexual orientation. They are subject to threats to their privacy, ill-treatment, harassment and arbitrary detention. They are also hindered in their access to justice, employment, education and health care. Alternatives-Afrique regretted that, in 2016, the Central African Republic voted against the mandate given to the Independent Expert on sexual orientation and gender identity. Alternatives-Afrique recommended that legislative measures be taken to protect sexual minorities from discrimination, that educational, medical, judicial and police workers receive personal contact training in order to prevent violence and discrimination against people on account of their sexual orientation, and that an inclusive sex education programme be introduced in the school system and a plan drawn up to combat all forms of violence or discrimination against schoolchildren.

B. SOGIESC Advanced Questions for Central African Republic

N/A

C. Central African Republic’s Working Group Session

N/A
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

D. Recommendations for Cycle III (2018)

a) Remarks of States

N/A

b) The following recommendations have been examined by Central African Republic and enjoy the support of Central African Republic

- Germany: Improve the human rights status of minority groups and de-criminalize homosexuality (121.35).
- Canada: Overhaul Article 294 of the Criminal Code to ensure full protection against sexual-based discrimination and gender identity-based discrimination (121.75).

E. Recommendations for Cycle II (2013)

N/A

F. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: Alternatives-Centrafrique

- Revise Article 294 of the criminal code to include sexual and gender minorities in their full protection against discrimination.
- Implement the Paris principles to ensure the class A of the Central African National Commission for Human Rights and Fundamental Freedoms (NCHRFF) by the global alliance of the NCHR (GANHRI).
- Propose and implement a two-year training plan for medical, judicial, police and educational personnel to sensitize them on the violence and discrimination faced by sexual and gender minorities.
- Set up a desk to receive, inform and provide psycho-sociological and judicial support for sexual and gender minorities who are victims of violence.
- Introduce Comprehensive Sexuality Education in the school system to protect sexual and gender diversity and develop a plan to combat all forms of violence and discrimination against students.
- Promote a dialogue with unions of employees and employers and civil society working on sexual and gender minorities to eliminate violence and discrimination in the workplace.
G. Graphic Comparison Between Cycles (1—3)

![Number of SOGIESC Recommendations Received by Central African Republic Per Cycle](image)

H. [Video of Central African Republic’s UPR Working Group Session](#)

I. [SOGIESC mentions during Central African Republic’s UPR Outcome](#) (Item 6, 40th Session Human Rights Council)

N/A
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

CHAD
UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 13 NOVEMBER 2018, 9:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 15 NOVEMBER 2018, 16:30 – 18:00

During the 31st UPR Working Group Sessions, Chad received 1 SOGIESC recommendation. It noted 1 recommendation.

A. SOGIESC Information

National Report
N/A

Compilation of UN Information
N/A

Summary of Stakeholder’s Information
N/A

B. SOGIESC Advanced Questions for Chad
N/A

C. Chad’s Working Group Session
N/A

D. Recommendations for Cycle III (2018)

a) Remarks of States
N/A

b) The following recommendations have been examined by Chad and have been noted by Chad

- Iceland: Repeal all laws that criminalize persons based on their sexual orientation and gender identity (7.6).
E. Recommendations for Cycle II (2013)

N/A

F. Graphic Comparison Between Cycles (1—3)

G. Video of Chad's UPR Working Group Session
During the 31st UPR Working Group Sessions, China received 6 SOGIESC recommendations. It accepted all 6 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

12. The Committee on Economic, Social and Cultural Rights regretted that China did not have a comprehensive anti-discrimination law that protected all marginalized and disadvantaged individuals and groups in their enjoyment of economic, social and cultural rights. While noting that government anti-poverty or human rights policy documents or the national human rights action plan made no reference to lesbian, gay, bisexual, transgender and intersex persons, the Special Rapporteur on extreme poverty urged the Government to create a government department or ministry responsible for their rights, which should immediately undertake a study on poverty in this group.

35. The Committee against Torture expressed concern about reports that private and publicly run clinics offered so-called “gay conversion therapy” to change the sexual orientation of lesbian and gay persons, and that such practices included the administration of electric shocks and, sometimes, involuntary confinement in psychiatric and other facilities, which could result in physical and psychological harm.

85. The Committee on Economic, Social and Cultural Rights noted with concern that Macao, China, had not yet adopted comprehensive anti-discrimination legislation and that widespread discrimination against migrants and lesbian, gay, bisexual and transgender persons persisted in Macao, China, particularly in employment, health care, education and housing. It also noted with concern that de facto discrimination against persons with disabilities persisted, particularly in the field of employment.

Summary of Stakeholder’s Information

6. JS17 expressed concern that there was no specific law in place that explicitly stipulates for prohibition against discrimination and unequal treatment of LGBT persons, while noting the lack of Anti-Discrimination Law and/or Employment Anti-Discrimination Law for LGBT persons.

2 Joint submission 17 submitted by: Coalition for Advancing SOGIE Equality, (Switzerland).
7. Human Rights Watch (HRW) stated that China remained hostile to activism by women's rights groups and lesbian, gay, bisexual, and transgender (LGBT) groups. Rainbow Project China (Rainbow China) also stated that the Government had not made any substantive progress in law or practice towards ensuring Chinese citizens enjoy equal rights regardless of their sexual orientation or gender identity. Rainbow China also noted allegations of forced conversion therapy, in which some government-run hospitals were involved.

83. New Macau Association (NMA) expressed concerns about the unequal and indirect elections in Macau, the freedom of expression and movement, as well as issues on privacy and surveillance. Macau police frequently denied Hong Kong journalists, lawmakers, social activists, scholars and writers from entering Macau, China based on the “Internal Security Framework Law”, claiming that the visitor in question would “pose a threat to the internal security of Macau, China”. NMA noted that the mechanism to protect citizens’ personal data from abuse by authorities was weak. Macau had no policies honoring transgender people’s gender identity and failed to make the domestic violence law available to same-sex victims.

B. SOGIESC Advanced Questions for China

- **United Kingdom**: What steps will the Government take to reduce restrictions, including through the Foreign NGO law on domestic and international NGOs in China, in order to allow them to play a full and active role in promoting and protecting the full range of human rights in China (including but not limited to LGBT+ rights, women's rights and disability rights)?
- **Canada**: What steps is China taking to grant equal marriage and family protections to LGBTI couples in its new Civil Code?
- **Netherlands**: Can China indicate the steps that it has undertaken to implement the Netherlands' 2013 UPR recommendation “to include a prohibition of discrimination of any kind, including discrimination based on [not just sex, but] sexual orientation and gender identity, ethnicity, religion and infection with HIV, in labor and employment law in line with international standards.”?

C. China’s Working Group Session

- **Intervention made after 52 interventions**: Four countries mentioned sexual orientation issues, China protects the right of LGBT groups by providing for the right of health and free will. Transgender operation is allowed, we respect their privacy. However, China only recognizes marriage between a man and a woman. Same-sex marriage is not recognized, which is not discrimination against LGBT but rather result of historical cultural reasons.

D. Recommendations for Cycle III (2018)
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

a) Remarks of States

- **Netherlands**: The Netherlands also recognizes the need for specific measures to be taken to ensure tolerance towards the LGBTI community in China.
- **Ireland**: Ireland continues to urge China, including Hong Kong and Macao, to establish a comprehensive anti-discrimination law to protect all marginalized groups, including LGBTI persons.

b) The following recommendations have been examined by China and enjoy the support of China:

- **Sweden**: Ensure full enjoyment of human rights for women, girls and individuals of all sexual orientations and gender identities, by implementing the anti-domestic violence law and clearly defining its coverage (6.83);
- **Mexico**: Adopt measures, including public policies or adoption of laws, which ensure the enjoyment of the right of every person not to be discriminated against in any way, including their sexual orientation, religion or ethnic origin (6.86.).
- **Chile**: Strengthen national legislation and public policies to combat discrimination, including on sexual orientation and gender identity grounds (6.87).
- **France**: Prohibit all forms of discrimination and violence against LGBTI persons (6.88).
- **Argentina**: Take necessary measures to offer adequate and effective protection against all forms of discrimination, including based on sexual orientation (6.89).
- **Netherlands**: Adopt within one year legislation prohibiting discrimination on grounds of sexual orientation and gender identity, in all public and private sectors, and provide positive duties on the part of government to promote equality on these grounds (6.90).

E. Recommendations for Cycle II (2013)

<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
<th>RECOMMENDING STATE</th>
<th>RESPONSE</th>
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<tbody>
<tr>
<td>Establish anti-discrimination laws and regulations to ensure that lesbian, gay, bisexual and transgender persons enjoy equal treatment, including at schools and in the workplace.</td>
<td>Ireland</td>
<td>Accepted</td>
</tr>
<tr>
<td>Include a prohibition of discrimination of any kind, including discrimination based on sexual orientation and gender identity, ethnicity, religion and infection with HIV, in labour and employment law in line with international standards</td>
<td>Netherlands</td>
<td>Accepted</td>
</tr>
</tbody>
</table>
F. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: Coalition for Advancing SOGIE Equality

- Revise the Law on the Promotion of Employment, and the Law on the Protection of Rights and Interests of Women of the People’s Republic of China to explicitly prohibit all forms of SOGIE-based discrimination in relation to anti-discrimination provisions to protect LGBT persons from different forms of violence and discrimination at the workplace, school, home, and other private and public spaces.

- Implement the recommendations (186.89, 186.90) supported during the second cycle of the UPR, by adopting the proposed Employment Anti-Discrimination Law inclusive of SOGIE, and ensure that LGBT persons fully enjoy an equal and non-discriminatory treatment in the workplace, and with regards to employment issues (including recruitment) in general.

- Issue a judicial interpretation of the Anti-Domestic Violence Law of the People’s Republic of China through the Supreme People’s Court to define “people living together with other than family members”, articulated in article 37 of the law, as inclusive of same-sex partners.

- Issue regulations, guidelines and/or notices in accordance with WHO standards to revise the existing psychiatric standards and norms regarding the classification and diagnosis of mental illness, and declassify transgender identity as well as ego-dystonic homosexuality and bisexuality as mental disorders.

- Issue regulations to allow all transgender people to change their gender marker on school certificates and diplomas, including those who have already obtained school certificates and diplomas before their gender marker is changed on other official documents such as ID and/or household registration.

G. Graphic Comparison Between Cycles (1—3)

H. Video of China’s UPR Working Group Session
I. SOGIESC Mentions During China’s UPR Outcome (Item 6, 40th Human Rights Council Session)

- **Netherlands**: We are pleased that China has accepted our recommendation on anti-discrimination legislation regarding sexual orientation and gender identity. We are ready to collaborate with China in the implementation. We have experience in prohibiting discrimination beyond gender, in also including sexual orientation and gender identity. We look forward to cooperate with the government positive duties in this regard, through public education and on sexual orientation and gender identity and LGBTI rights.

- **International Service for Human Rights**: ISHR stated that even though China responded the recommendations regarding SOGI as “accepted and already implemented”, human rights defenders face challenges in fighting discrimination based on SOGI due to official policies, including some banning homosexual content in media.

- **International Federation for Human Rights Leagues**: It stated that the response to the recommendation regarding prohibition of discrimination based on SOGI, among others, as already implemented demonstrates a lack of commitment of the government and harms the human rights system.
A. SOGIESC Information

National Report

N/A

Compilation of UN Information

N/A

Summary of Stakeholder’s Information

14. JS3\(^3\) stated that the 2015 Constitution did not include and provide a general prohibition of discrimination and did not guarantee the protection and promotion of the human rights of LGBTI. Discrimination towards LGBTI was observed at the institutional level; there have been cases of harassment perpetuated by police officers and refusal of asylum to asylum seekers on the basis of sexual orientation and gender identity. JS3 noted that article 127 of the Family Code defines marriage as an act of union established between a man and a woman, and article 56 of the same Code imposes the nullity of any marriage pronounced between two persons of the same sex. According to JS3, Art. 127 of the Family Code and Art. 330 and Art. 331 of the Penal Code are frequently used as a pretext to socially condemn LGBTI person.

15. JS3 recommended repealing Art. 331 of the Criminal Code and criminalize with aggravated penalties acts of hatred and discrimination on the basis of sexual orientation and gender identity; encouraging implementation of training and awareness programs on issues related to LGBTI, especially in public institutions (hospitals, schools, public offices, main employers in the country and main trade unions). JS3 also recommended including sexual education in curriculums, remove barriers to access to health care, establish legal clinics, medical care and psychological and social housing for those who are evicted from homes and in situation of danger and lastly, prohibit arrest or torture at the initiative of family or relatives.

B. SOGIESC Advanced Questions for Congo

- **Belgium:** Does the Congo government intend to provide a legal framework for legal protection against discrimination based on sexual orientation / gender identity?
- **Spain:** What measures have been taken by the Government to ensure the integration of the LGBTI community into the society and to eliminate discrimination against them?

C. Congo’s Working Group Session

- **Remark after 42 interventions:** We also speak of a development in 2017 of an action plan to promote the rights of women with HIV/AIDS to combat stigmatization and discrimination. The participation in development in 2018 of this new strategic framework to combat AIDS and epidemics that HIV suffers and the LGBT people who took an active part in the development of this code.

- **Closing remarks:** With regards to the LGBT community, in our country there are no provisions discriminating against choice when it comes to sexual orientation, there is no discrimination or legal incrimination. In terms of further developments, the government will in a timely fashion, step by step, will be holding national consultations. At a practical level, LGBT communities participate regularly in all sexual education activities and in developing a national strategic plan in combating HIV/AIDS and other STDs for 2018-2022.

D. Recommendations for Cycle III (2018)

a) **Remarks of States**

- **Iceland:** However, my delegation regrets that the constitution does not include a general prohibition of discrimination, including for the protection and promotion of the human rights of LGBTI persons.
- **Slovenia:** Slovenia at the same time regrets the Congolese unwillingness to implement a number of recommendations that it had accepted during the second review like the activities regarding the elimination of violence against women as well as respect for gender equity, children’s rights and vulnerable groups, LGBTI and others who are subject of those recommendations that have not been made significant progress yet.

b) The following recommendations have been examined by Congo and have been noted by Congo:

- **France:** Fight against forms of discrimination on the ground of sexual orientation and gender identity (6.61).
- **Iceland:** Criminalize acts of violence and discrimination on the basis of sexual orientation and gender identity (6.62).
E. Recommendations for Cycle II (2013)

<table>
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<tr>
<th>RECOMMENDATION</th>
<th>RECOMMENDING STATE</th>
<th>RESPONSE</th>
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<tbody>
<tr>
<td>Guarantee equal rights for all citizens, and fight against all forms of discrimination based on sexual orientation or gender identity</td>
<td>France</td>
<td>Noted</td>
</tr>
<tr>
<td>Eliminate from its legislation all forms of sexual discrimination, and take all the necessary measures to effectively enforce this.</td>
<td>Belgium</td>
<td>Noted</td>
</tr>
</tbody>
</table>

F. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: ASSOCIATION CŒUR ARC-EN-CIEL

- Repeal the provisions of article 331 of the Penal Code, which punishes immodest or unnatural acts committed with a person under the age of 21, to facilitate the fight against HIV among men who have sex with men under whom HIV prevalence is highest;
- Adopt and give binding value to the charter of good conduct to remove the barriers of access to health services for members of the LGBTI community in the Congo established within the framework of the services of the Ministry of Health and Populations;
- Amend Act No. 30-2011 of 3 June 2011 on the fight against HIV and AIDS and protection of people living with HIV to define the concept of "key populations", including in this definition LGBTI minorities.
- Criminalize all violence, offenses, acts of hatred and discrimination on the basis of sexual orientation or gender identity, in order to combat discrimination in all its forms, including access to housing, access to asylum, goods and services, etc.;
- Criminalize, in the Criminal Code, hate speech on the basis of sexual orientation or gender identity, as well as public incitement to violence and discrimination on the basis of sexual orientation or gender identity;
- Establish a system of legal protection for “whistle-blowers” and organisations specializing in the protection and defense of LGBTI persons in order to allow anyone to fight against such discrimination and to address discriminatory practices of state and none-state actors without the risk of reprisals;
- Implement training and awareness programs on issues related to LGBTI issues, and the fight against violence and discrimination on the basis of sexual orientation or gender identity, for employees of public institutions, hospitals and health centers, schools and universities, major employers in the country and major trade union organizations.
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

G. Graphic Comparison Between Cycles (1—3)

![Number of SOGIESC Recommendations Received by Congo Per Cycle](chart)

H. Video of Congo’s UPR Working Group Session

J. SOGIESC Mentions During Congo’s UPR Outcome (Item 6, 40th Human Rights Council Session)

- **Opening Remarks (Congo):** Recommendations 130.61 and 130.62 on acts of violence and discrimination based on sexual orientation and gender identity are completely inappropriate. Congolese society as a whole is tolerant vis-à-vis the LGBT community. There is no legislative provision or regulation which establishes discrimination against LGBT communities. This community can participate without any discrimination in sexual education activities organized by the authorities or civil society and they are active in that participation establishing programs to combat HIV and other STDs.

- **COC Nederlands:** It thanked France and Iceland for making recommendations regarding SOGI to Congo. It highlighted the raise of HIV between MSM and the necessity to combat HIV and discrimination against Congolese LGBTI people. It commented on the impact of the Penal Code on the discrimination of LGBTI people and on the necessity to enact legislation to combat this discrimination. It also called on the government to change its position to start implementing international human rights to combat violence and discrimination based on SOGI.
During the 31st UPR Working Group Sessions, Jordan received 1 SOGIESC recommendation. It noted 1 recommendation.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

N/A

Summary of Stakeholder’s Information

N/A

B. SOGIESC Advanced Questions for Jordan

N/A

C. Jordan’s Working Group Session

N/A

D. Recommendations for Cycle III (2018)

a) Remarks of States

N/A

b) The following recommendations have been examined by Jordan and have been noted by Jordan

- United Kingdom: Legisllate to penalise discrimination, including on the basis of gender, race, age, disability, religion or belief, and sexual orientation (8.42).
E. Recommendations for Cycle II (2013)

N/A

F. Graphic Comparison Between Cycles (1—3)

![Number of SOGIESC Recommendations Received by Jordan Per Cycle](chart.jpg)

G. Video of Jordan’s UPR Working Group Session

H. SOGIESC mentions during Jordan’s UPR Outcome (Item 6, 40th Session of the Human Rights Council)

N/A
MALAYSIA
UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 8 NOVEMBER 2018, 14:30-18:00

During the 31st UPR Working Group Sessions, Malaysia received 11 SOGIESC recommendations. It partially accepted 1 recommendation and noted 10 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

22. The Special Rapporteur on health stated that discriminatory societal attitudes towards lesbian, gay, bisexual and transgender persons prevailed in Malaysia and had been exacerbated over the past few decades by the use of a stigmatizing rhetoric by politicians, public officials and religious leaders. The criminalization of same-sex conduct and of different forms of gender identity and expression had reinforced negative societal attitudes and led to serious human rights violations of the rights of that group of the population.

Summary of Stakeholder’s Information

37. JS7⁴ stated that lesbian, gay, bisexual and transgender (LGBT) people faced some of the most severe reprisals, surveillance and violence online in the past few years.

38. JS18⁵ stated that the state actors maintained a sex and gender essentialist and binary position, and failed to grasp the root causes and structural discrimination that result in the marginalization of trans people, and recommended Malaysia to engage LGBTI human rights groups to address discrimination and violence against LGBTI.

39. JS7 reported that the state Islamic departments had introduced at least two mobile applications – “Hotline JAIS”, to report sharia offences; and “Hijrah Diri – homoseksual”, aimed at LGBT persons who are seeking to change their sexual orientation and/or gender identity.

⁴ Joint Submission 7 submitted by: Persatuan Kesedaran Komuniti Selangor (EMPOWER), Challenger Jaringan Rakyat Tertindas (JERIT), Justice for Sisters Knowledge and Rights with Young people through Safer Spaces (KRYSS), Pelangi Campaign Sabah Women’s Action-Resource Group (SAWO), Sisters in Islam (SIS), Women’s Centre for Change (WCC), Yayasan Chow Kit (YCK).

⁵ Joint Submission 18 submitted by: Justice for Sisters, Knowledge and Rights with Young people through Safer Spaces (KRYSS), Transmen of Malaysia, Seksualiti Merdeka, Pelangi Campaign, and Center for Independent Journalism (CIJ);
41. Ikatan Pengamal Perubatan & Kesihatan Muslim Malaysia (I-Medik) stated that the LGBT community reported that they were religiously discriminated by certain segments of the community and recommended Malaysia to provide gender sensitization and human rights trainings to religious authorities.

56. JS3 noted that the religious tolerance for which Malaysia previously received positive recognition had regressed significantly in recent years. An official narrative of “identity politics” and “national unity” was premised on suppressing difference. Tolerance of minority opinions and dissenting viewpoints had likewise deteriorated. Individuals from marginalized groups, including Shia Muslims and other religious minorities, LGBT people, human rights defenders (HRDs), women, journalists and artists had been acutely impacted by these developments.

65. SUARAM, JS15 and Front Line Defenders (FLD) stated that HRDs faced judicial harassment, arbitrary arrest, death threats and intimidation. HRDs fighting corruption, campaigning for electoral reform and free and fair elections were particularly vulnerable and were targeted for participating in peaceful protests. LGBTI rights defenders also faced widespread discrimination and harassment.

B. SOGIESC Advanced Questions for Malaysia

- Germany: Which measures will Malaysia adopt to protect the human rights of LGBTI persons?
- United Kingdom: What steps are the Malaysian Government taking to protect the rights of minority groups, including ethnic and religious minorities, the LGBT community and refugees?

C. Malaysia’s Working Group Session

- Intervention made after 50 interventions: Mr president, for the issues linked to LGBT and sexual orientation, raised by Germany, USA, Argentina, Canada and Chile in response to all those questions the government uphold the rights and dignity of all persons in Malaysia in accordance with the law. Article 8(2) of the Federal Constitution states that there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

6 Joint submission 3 submitted by: ARTICLE 19, C4 Center, Diversity, Empower, ENGAGE, Freedom Film Network, Justice for Sisters, KOMAS, Malaysian Atheists and Secular Humanists, Pelangi, Projek Dialog, Seksualiti Merdeka, Sinar Project, Sisters in Islam and SUARAM;  
7 Joint Submission 15 submitted by: Persatuan Kesedaran Komuniti Selangor (EMPOWER), Jaringan Kampung Orang Asli Semenanjung Malaysia (JKOASM), Jaringan Orang Asal SeMalaysia (JOAS), Justice For Sisters (JFS), Komuniti Muslim Universal (KMU), Lawyers For Liberty, Sisters in Islam (SIS), Pelangi Campaign, Suara Rakyat Malaysia (SUARAM);
D. Recommendations for Cycle III (2018)

a) Remarks of States

- **Germany**: Germany remains concerned about the human rights situation of LGBTI persons in Malaysia.
- **United States**: We are also concerned that migrant workers, indigenous peoples, refugees, and LGBTI persons often face discrimination or exploitation, and that freedom of religion is threatened by increasing intolerance of religious diversity.
- **Canada**: We remain concerned about the lack of legal status for refugees and asylum seekers; the continued practice of child marriage; and lack of protections for the LGBTI community against discrimination, violence and corporal punishment.
- **Chile**: We continue to be concerned with discrimination against migrants, children and LGBTI.

b) The following recommendations have been examined by Malaysia and have been partially accepted by Malaysia

- **Portugal**: Implement anti-bullying campaigns in schools addressing all forms of bullying, including based on actual or perceived sexual orientation, gender identity or gender expression (6.224).

c) The following recommendations have been examined by Malaysia and have been noted by Malaysia

- **Uruguay**: Approve a broad anti-discrimination law that includes the protection of all rights for all people without discrimination (6.55).
- **Argentina**: Take the necessary measures to establish in its national legislation a comprehensive legal framework for effective protection against discrimination and violence against LGBTI people (6.77).
- **Austria**: Take necessary measures to protect LGBTI persons, in law and in practice, against any form of violence, harassment or discrimination and ensure the full enjoyment of all their fundamental human rights and freedoms (6.78).
- **Canada**: Review and repeal laws that directly or indirectly criminalise consensual same-sex sexual activity and take action to prevent violence, discrimination or corporal punishment on the basis of sexual orientation or gender identity (6.79).
- **Chile**: Decriminalise consensual sexual relations between adults of the same sex (6.80).
- **France**: Ensure respect for the fundamental rights of all, without discrimination, including in relation to LGBTI persons by decriminalising homosexuality (6.81).
- **Germany**: Repeal all legislation that discriminates on the basis of sexual orientation or gender identity to guarantee that LGBTI persons can enjoy all human rights without facing discrimination with regard to work, health, education, housing and other policy (6.82).
- **Iceland**: Repeal all laws that criminalize persons based on their sexual orientation and gender identity (6.83).
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

- **Ireland:** Undertake efforts to guarantee and protect the human rights of LGBTI persons in line with international obligations (6.84).
- **Netherlands:** Take concrete steps to protect LGBTI persons from discrimination and violence, including through enactment of explicit non-discrimination provisions in law, development of public awareness programs and to allow for recognition of the gender of transsexual persons (6.85).

E. Recommendations for Cycle II (2013)

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<tr>
<th>RECOMMENDATION</th>
<th>RECOMMENDING STATE</th>
<th>RESPONSE</th>
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</thead>
<tbody>
<tr>
<td>Take legislative and practical steps to guarantee that LGBTI persons can enjoy all human rights without discrimination</td>
<td>Germany</td>
<td>Noted</td>
</tr>
<tr>
<td>Introduce legislation that will decriminalize sexual relations between consenting adults of the same sex</td>
<td>Croatia</td>
<td>Noted</td>
</tr>
<tr>
<td>Decriminalize homosexuality and respect the fundamental rights of LGBT persons</td>
<td>France</td>
<td>Noted</td>
</tr>
<tr>
<td>Take the necessary measures to eradicate the discrimination based on sexual orientation</td>
<td>Argentina</td>
<td>Noted</td>
</tr>
<tr>
<td>Delete those provisions that could favour discriminatory practices against persons based on their sexual orientation and gender identity</td>
<td>Chile</td>
<td>Noted</td>
</tr>
<tr>
<td>Repeal sections of the Malaysian Penal Code that criminalize consensual same-sex conduct between adults</td>
<td>Netherlands</td>
<td>Noted</td>
</tr>
<tr>
<td>Enact legislation prohibiting violence based on sexual orientation, and repeal laws that directly or indirectly criminalize consensual same-sex sexual activities</td>
<td>Canada</td>
<td>Noted</td>
</tr>
</tbody>
</table>
F. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: The Coalition for SOGIESC Human Rights in Malaysia

- Repeal all laws that criminalize persons based on their sexual orientation, gender identity and gender expression. Including Sections 377 A, B and D, of the Penal Code: liwat, musahaqah, (sexual relationship between women) 'male person posing as a woman', 'female person posing as a man'.
- End all forms of government policies, activities and practices that perpetuate violence and discrimination on the basis of sexual orientation, gender identity and expression. Including those that promote rehabilitation and aim to correct sexual orientation and gender identity such as the Pelan Tindakan Menangani Gejala Sosial (Perlakuan LGBT) 2017-2021 and the Mukhayam.
- To conduct SOGIESC and human rights awareness programmes for parliamentarians, state assembly persons, police and other oversight bodies by NHRI and LGBT human rights groups.
- To implement anti-bullying campaigns in schools that address bullying based on actual or perceived sexual orientation, gender identity and gender expression.
- Enact law prohibiting violence and hate crime based on sexual orientation, gender identity, expression and sex characteristic.
- To ensure all police investigation on cases of discrimination, violence, murder, and hate crime against LGBTQ persons are done in a timely manner.
- To make legislative and policy change to ensure quick, transparent, and accessible legal gender recognition for trans and gender non-conforming people without medical intervention.

G. Graphic Comparison Between Cycles (1—3)

H. Video of Malaysia’s UPR Working Group Session
I. **SOGIESC Mentions During Malaysia’s UPR** Outcome (Item 6, 40th Human Rights Council Session)

- **Asian Forum for Human Rights and Development:** It regretted that Malaysia didn’t accept the recommendations to decriminalise consensual same-sex sexual activity and urged the government to accept these recommendations, and to end all forms of discrimination based on sexual orientation and gender identity.

- **International Planned Parenthood Foundation:** It commended the new government’s willingness to engage with Civil Society and acknowledge the efforts of those working for an inclusive agenda, namely the LGBTI- and the Sexual and Reproductive Health and Rights communities.

- **ILGA:** It welcomed the acceptance of the recommendation to implement anti-bullying campaigns but regretted that Malaysia noted the remaining 10 recommendations. It expressed concern on the rise of violence and discrimination against LGBTQ persons. It affirmed that despite the statement of Malaysia during the UPR that LGBTQ persons deserve equal rights, many actions of the government don’t reflect that. It called on the government to stop with all the forms of state sponsored violence against people based on their real or perceived sexual orientation, gender identity and/or expression, to stop politicizing and to protect LGBTQ persons from violence and discrimination.

- **ISHR:** It stressed the statement of ILGA regarding the risk that women and LGBTQ HRDs are facing due to state and non-state reprisals.

- **Amnesty International:** It regretted that Malaysia rejected the recommendations to protect the rights of LGBTI people in law and in practice. It called on the state to adopt legislation to protect the right of this group.
During the 31st UPR Working Group Sessions, Malta received 1 SOGIESC recommendation. It accepted 1 recommendation.

A. SOGIESC Information

National Report

35. In July 2017, the Maltese Parliament approved the Marriage Equality Bill that modernised marriage law through the mainstreaming of equality for all. LGBTIQ persons are free to contract a marriage with their loved ones, be they of the same or a different sex, and also to parent children without having unnecessary references to their gender or biological make-up on their children’s birth certificates.

36. A structured dialogue between Health authorities and the LGBTIQ community, has led to the introduction of a number of transgender services, as well as legislative changes which include the provision of free hormone treatment. In April 2018, the Ministry for Health launched a consultation document on transgender healthcare presenting proposals for the development of transgender health care services in Malta.

Compilation of UN Information

10. The Human Rights Committee welcomed the amendments to the anti-discrimination legal framework introducing religion, sexual orientation and gender identity as prohibited grounds for discrimination. It was concerned, however, that discrimination based on language was not prohibited by law. It recommended that Malta review its legal framework on anti-discrimination and equality with a view to ensuring that it included a comprehensive prohibition of discrimination on all the grounds set out in the International Covenant on Civil and Political Rights.

13. The same Committee welcomed the amendment to article 45 (3) of the Constitution introducing sexual orientation and gender identity as prohibited grounds of discrimination. However, it was concerned about the reportedly insufficient measures to prevent and combat bullying and harassment of lesbian, gay, bisexual and transgender students in educational settings.

14. The same Committee recommended that Malta take specific steps to provide an educational environment free of discrimination and violence against lesbian, gay, bisexual and transgender students, particularly through awareness-raising campaigns, school curricula and training for education personnel, and to put an end to any form of social stigmatization of homosexuality, bisexuality or transsexuality.
Summary of Stakeholder's Information

14. The European Union Agency for Fundamental Rights (EU-FRA) noted that the harassment of lesbian, gay, bisexual and transgender young persons in educational settings continued to persist, including verbal abuse, cyber bullying and physical violence.

25. The CoE-CPT recommended that Malta put in place policies to combat discrimination and exclusion faced by transgender persons in closed institutions and that those policies should be implemented by the prison. In particular, Malta should put in place a comprehensive anti-bullying strategy to reduce any incidences of inter-prisoner violence and intimidation, especially those directed against transgender prisoners.

26. Furthermore, the CoE-CPT considered that transgender persons should either be accommodated in the prison section of the respective gender with which they self-identify or, if exceptionally necessary for security or other reasons, in a separate section. If accommodated in a separate section, they should be offered activities and association time with the other prisoners of the gender with which they self-identify.

B. SOGIESC Advanced Questions for Malta

N/A

C. Malta's Working Group Session

Opening remarks:
- Women's rights: Two main projects were launched as measures to implement action in line with the Convention (Istanbul). One aims at the strengthening multi-sectoral and multi-disciplinary cooperation in dealing with violence against women and gender-based violence. It also introduces training programmes and a manual of procedures for those who are in contact with potential victims, and encourages them to report their cases. The second ongoing project is being implemented to identify the behaviours and attitudes towards violence against three minority targets, namely migrant women, LBTIQ women and women with disabilities.

- LGBTIQ Rights: From marriage equality to gender neutral markers, the progress registered by Malta in the field of LGBTIQ rights are said to be the current global “gold standard” by no other than the OHCHR. In fact, for the third year running, Malta has retained its place at the top of the ILGA-Europe Rainbow index, which reviews the human rights situation of LGBTIQ persons in 49 countries around Europe. With an overall rating of 94%, Malta remains the leading European country in protecting LGBTIQ people in areas of equality and non-discrimination, family, hate crime and hate speech, legal gender recognition and bodily integrity, civil society space and asylum. This development was only possible through a strong partnership between government and civil society, particularly through the input that we receive through the LGBTIQ Consultative Council. Indeed, from: the Civil Unions Act in 2014; the Gender Identity
Gender Expression and Sex Characteristics Act in 2015; the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act in 2016; and, the Marriage Equality Act of 2017; Parliament has debated the matter extensively.

We are now glad that, in Malta, all couples enjoy the same rights. No one is barred from adopting a child simply on the basis of their personal characteristics, and all individuals enjoy a right to the recognition of their gender identity. Our legislation protects the right to bodily integrity and physical autonomy of all persons, and the law protects everyone from ‘conversion practices’ related to one’s sexual orientation, gender identity and gender expression. In order to ensure an inclusive and safe school environment, a national policy was put in place to cater for trans, gender variant and intersex students. Similarly, a policy catering for the protection of these groups is being implemented in the national correctional facility, this will shortly be extended to detainees within police lockups.

A number of transgender services are provided by the Gender Wellbeing Clinic which was established thanks to structured dialogue between the health authorities and the LGBTIQ Consultative Council. Blood donation by gay men will become possible in 2019.

The second LGBTIQ equality strategy was launched earlier this year during Pride Week. This strategy focuses on the social realities that LGBTIQ people face and the mainstreaming of their rights into society, whilst the previous one focused on changing and modernising legislation related to LGBTIQ rights.

**Closing remarks:** A look back to the First Cycle report, enables a fair assessment of the progress achieved, particularly in terms of minority rights and women’s emancipation. Back then heterosexual marriage was the sole union recognised by the state, and such a union could not be formally dissolved.

Today, we have introduced divorce, cohabitation rights, civil unions and marriage equality for all couples regardless of gender and sexuality. Similarly, we have extended the right to family life through the introduction of IVF legislation, and equal adoption possibilities, to single persons and couples alike.

Families come in diverse forms, and Malta recognises them all.

**D. Recommendations for Cycle III (2018)**

a) Remarks of States

- **United Kingdom:** We commend Malta’s commitment to advancing gender equality with the introduction of a comprehensive legislation on gender identity and the national LGBTIQ equality strategy and action plan from 2018 to 2022.

- **Uruguay:** Finally, Uruguay welcomes the actions taken by the Republic of Malta against discrimination on grounds of sexual orientation and gender identity, such as the enactment of the Civil Unions Act in 2014, the approval of the Gender Identity Affirmation Law, Expression of Gender and Sexual Characteristics of 2015 and the amendment introduced in 2017 to the Marriage Law, which enables unions between people of the same sex, and encourages Malta to continue working along the same lines.

- **Austria:** Austria welcomes the steps Malta has taken to strengthen the protection of human rights and particularly commends the government of Malta for the ratification of the Istanbul
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

Convention and the progress made in the protection and promotion of the rights of LGBTI people.
- **Australia:** We welcome its continue efforts to strengthen legislative and institutional framework to enhance the rights of LGBTI people, including legalizing same-sex marriage in 2017.
- **Germany:** Germany commends Malta for the introduction of same sex marriage in July 2017.
- **Belgium:** My delegation congratulates Malta for its commitment to the integration of people with disabilities and is pleased that Malta has become one of the leading countries in the promotion and defense of LGBTI rights in Europe.
- **Brazil:** We also commend Malta for adopting a specific legislation against violence and discrimination based on sexual orientation and gender identity. Including the recent legalization of same sex marriage and the approval of the gender identity, gender expression and sex characteristics Act which regulates the rights of transgender people to their gender identity.
- **Canada:** Canada welcomes the positive steps taken by Malta to protect and strengthen LGBTI rights.
- **Iceland:** Iceland takes this opportunity to applaud the decision by the Maltese Parliament, from 2017, to approve marriage equality legislation, extending full marriage rights to same-sex couples. In the past few years, Malta has proven itself to be a strong supporter and advocate of LGBTI rights.
- **Ireland:** In particular, we welcome the steps taken to amend the anti-discrimination legal framework to include sexual orientation, gender identity and religion as prohibited grounds for discrimination.
- **Netherlands:** The Netherlands commends Malta on its first place in the ILGA-Europe rating on LGBTI laws.
- **Portugal:** We commend Malta for ratifying the protocol no. 12 of the European Convention of Human Rights and for ammending its anti-discrimination framework introducing religion, sexual orientation and gender identity as prohibited grounds for discrimination.
- **Sweden:** Sweden wishes to warmly welcome the delegation of Malta. Sweden congratulates Malta for the adoption of the LGBTI-law in 2015 as well as positive steps in the field of SRHR such at the Malta Medicines Authorities approval of the sale of emergency contraception pills without prescription in 2016.
- **Switzerland:** Switzerland, as a Troïka member, commends Malta’s efforts in various fields. For example, legislative revisions made since the last UPR have allowed the LGBTI community to acquire the same matrimonial and other rights as the rest of society.

b) **The following recommendation has been examined by Malta and enjoy the support of Malta**

- **Czechia:** Take further practical steps to ensure full implementation of anti-discrimination legislation and to combat all forms of discrimination, including on grounds of race, sexual orientation, gender identity and others (6.23).
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

E. Recommendations for Cycle II (2013)

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<tr>
<th>RECOMMENDATION</th>
<th>RECOMMENDING STATE</th>
<th>RESPONSE</th>
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<tbody>
<tr>
<td>Adopt further measures to combat all forms of discrimination, including discrimination based on sexual orientation and gender identity</td>
<td>Norway</td>
<td>Accepted</td>
</tr>
<tr>
<td>Further progress in combating all forms of discrimination, including against LGBT persons, through the introduction and implementation of appropriate legislation, policy and practice</td>
<td>United Kingdom</td>
<td>Accepted</td>
</tr>
<tr>
<td>Continue to strengthen its legislative and institutional frameworks to enhance the rights of LGBTI people</td>
<td>Australia</td>
<td>Accepted</td>
</tr>
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</table>

F. Graphic Comparison Between Cycles (1—3)

![Number of SOGIESC Recommendations Recieved by Malta Per Cycle](chart)

G. Video of Malta’s UPR Working Group Session

H. SOGIESC Mentions During Malta’s UPR Outcome (Item 6, 40th Human Rights Council Session)

- Malta (Opening remarks): Malta carried out major legislative and policy changes to improve the living conditions of LGBTIQ people in the country and this result climbed to the top spot of
ILGA Europe Rainbow Index for the European region. (…). The embryo protection was amended in 2018 to allow access to in vitro fertilization to single women and same-sex couples. As a result, changes in Maltese law ensures 100 hours of leave to couples undergoing medically assisted procreation regardless of sexual orientation. Furthermore, a gender well-being clinic was established and started operating in November 2018, offering multiple services to trans intersex and gender queer persons.
A. SOGIESC Information

National Report

52. Government has not yet taken any policy decision to repeal section 250 of the Criminal Code regarding consensual homosexual activity (Recommendations 145 to 147). The NMRF is, however, actively coordinating efforts especially with NGOs and other countries towards finding the most appropriate solutions to this Human Rights issue.

Compilation of UN Information

17. The Human Rights Committee was concerned about hate speech and violence, including death threats, against lesbian gay, bisexual and transgender persons. It urged Mauritius to protect them from all forms of discrimination based on sexual orientation and gender identity, by including hate speech and violence as grounds of discrimination in all relevant legislation; repeal article 250 of the Criminal Code, criminalizing “sodomy” and “bestiality”; and investigate all complaints of violence arising from discrimination against lesbian gay, bisexual and transgender persons and prosecute those responsible.

Summary of Stakeholder’s Information

6. Collectif Arc en Ciel (CAEC) stated that homophobic attitudes persisted in Mauritius and that homosexuality tended to be framed within a discourse of sin and unnatural behaviour. Many lesbian, gay, bisexual and transgender (LGBT) persons experienced stigmatisation within their own family. CAEC explained that the Civil Status Office did not recognise transgender persons who would like their identity documents (national identity card, passport) to reflect their self-identified gender. YQA drew attention that gender identity was not covered under the Equal Opportunities Act 2008. Young Queer Alliance (YQA) recommended that Mauritius conduct awareness-raising campaigns for the general public on the rights of LGBT persons.

7. YQA asserted that the definition of “racial hatred” adopted by article 282 of the Criminal Code Act 1838 of Mauritius was clearly restrictive, as there was no mention of ‘sexual orientation’ or ‘sexual identity’ as a social group. Hence, hate motive on the basis of criminal acts against an individual based on their sexual orientation and gender identity could not be considered as an aggravating factor for criminal sentences under this Act.15 It recommended that Mauritius amend article 282 of the Criminal
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

Code Act 1838 by inserting direct indication of the hate motive against people based on their real or perceived sexual orientation, gender identity and gender expression as aggravating circumstances.

8. YQA considered that, as long as sodomy was conducted between consenting adults, it was a matter of freedom and privacy of these individuals and the State should not interfere in the right to engage in such sexual activity related to bodily integrity. CAEC recommended that Mauritius repeal article section 250 of the Criminal Code criminalising sodomy, as it reinforced the stigmatisation of homosexual and bisexual men and transgender people, as well as of lesbian and bisexual women.

9. CAEC expressed that progress in adopting legislative measures leading to decriminalisation of same-sex relations appeared to have stalled. CAEC stated that to date, no national consultations on the subject had been conducted and that the recommendations of the Human Rights Committee on repealing the article that criminalises “sodomy” and on training police officers, judges and prosecutors on the rights of LGBT persons had not yet been included in the National Human Rights Action Plan 2012-2020 under the aegis of the Human Rights Secretariat/ National Mechanism for Reporting and Follow-up. It recommended that the observations of the Human Rights Committee be implemented and that progress thereon be monitored under inter alia the National Human Rights Secretariat/ National Mechanism for Reporting and Follow-up.

10. CAEC considered that current legislation reinforced the vulnerability of LGBT persons as it neither provided for protection against violence on the basis of sexual orientation or gender identity nor allowed rape victims to be considered as such.

11. CAEC stated that despite the fact that the Employment Rights Act (2008) and the Equal Opportunities Act (2008) explicitly forbid discrimination based on sexual orientation, the fact remained that there was no recognition of non-heterosexual couples in society. YQA noted that people who did not have the rights to enter into marriage and/or civil partnership were in a disadvantageous position as they did not enjoy the same benefits and rights. CAEC recommended that Mauritius amend discriminatory definitions in the Mauritian legislation to include same-sex couples on the same basis as spouses of opposite sexes and that the state allow for legal recognition of self-identified gender under national law without the need for surgery and related medical procedures.

15. CAEC indicated that non-heterosexuals experienced harassment by neighbours, forced marriages following kidnapping and sequestrations by the family, physical violence and blackmail. YQA asserted that violence due to homophobia and transphobia was a lived reality for many lesbian, gay, bisexual, transsexual, queer, intersex, and asexual persons living in Mauritius. It stated that no legal sanctions had been taken against anti-LGBT supporters who had acted violently against persons present at the Gay Pride march, despite the presence of the Police Force.

B. SOGIESC Advanced Questions for Mauritius

- Belgium: How does the Mauritian Government plan to put an end to the discrimination and harassment of homosexuals in order to protect them against all forms of discrimination based on sexual orientation and gender identity?
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

- **United Kingdom:** The LGBT Pride March 2018 did not go ahead as planned because a counter-demonstration on the route made it potentially unsafe for the participants. What legislative steps are the Government of Mauritius taking as a result of this in order to ensure that members of the LGBT community can exercise freedom of expression as enshrined in the constitution and enjoy equal rights in Mauritian society?

- **Spain:** What measures have been taken by the Government to effectively implement the existing laws in order to improve the integration of the LGBTI community into the society and to eliminate discrimination against them?

C. **Mauritius’ Working Group Session**

- **Opening remarks:** LGBT Rights: The judgment of the five-judge bench of the Supreme Court of India comes at an opportune time and will go a long way to inspire countries such as Mauritius to have a fresh assessment of their laws on this subject matter. On decriminalization of consensual homosexual activities in Mauritius, we have yet to enroll on consultations. My ministry is planning to do so early next year. In this respect my ministry is discussing with the Human Dignity Trust and Justice Alliance in the UK to determine how best to proceed. Suffice to say at this stage that my ministry and my personal office on that matter are in consultation with NGOs championing a change in law. There is however need in due of the social fabric of the country of wide sensitization and acceptance among the population at large, in the first instance before consideration can be given for the current legislation to be amended.

The Republic of Mauritius has some challenges ahead regarding the advancement of the rights of the LGBT community, the minimum age for marriage and some other challenges I have highlighted above. Sustained efforts have been made to guarantee respect for pluralism and tolerance in the minds of our population through education and media. We shall address those challenges in an holistic approach and with participation and support of stakeholders.

- **Intervention made after 42 recommendations:** The rights of the LGBT community and the recommendations to repeal the section 250 of the Criminal Code, I wish to restate what I have stated earlier in my opening address. I have engaged my ministry to consultations with NGOs advocating for changing the law, but that is not that easy as it seems. There are the specificities of the situation, we need general consensus before changing the law. In that direction, I have stated earlier, we are having some inspiration from the judgment of the Supreme Court of India to see about the arguments that were proposed and the unanimous judgment given by the five judges of the honorable Supreme Court of India. My personal office, we are engaging in discussion and consultation but I reiterate that due to the social fabric of the country we need wide sensitization and acceptance in first instance, before consideration can be given so the current legislation can be amended.

D. **Recommendations for Cycle III (2018)**

c) **Remarks of States**
- **Belgium:** Belgium nevertheless remains concerned, in particular, about violence and discrimination against women and respect for the rights of LGBTI persons.

- **Iceland:** However, we regret that Mauritius has not repealed sections of its Criminal Code regarding consensual same sex activity but welcome your commitment Minister to do so.

- **Montenegro:** We noted concern of the Human Rights Committee over existing hate speech and violence, including death threats, against LGBT persons. We call on the Government to ensure protection of LGBT persons from all forms of discrimination based on sexual orientation and gender identity, as well as to include hate speech and violence as grounds of discrimination in all relevant legislation.

- **The Netherlands:** The Netherlands also welcomes the Republic of Mauritius’ status as a signatory to the ICCPR, as well as its constitutional provision of equality for all. We take note of the increased tolerance for homosexuality among its population.

**d) The following recommendations have been examined by Mauritius and have been noted by Mauritius:**

- **Honduras:** Adopt comprehensive legislation to prevent and combat discrimination against all marginalized groups on any grounds, including gender and sexual orientation, which includes positive actions for their advancement (6.40).

- **Italy:** Step up its efforts to combat all forms of discrimination, in particular against women, persons with disabilities and based on sexual orientation and gender identity (6.41).

- **Uruguay:** Explicitly prohibit discrimination on the grounds of sexual orientation and gender identity and develop awareness campaigns and training programs to raise awareness about the rights of LGBT people (6.43).

- **Argentina:** Take the necessary measures to establish in its national legislation a comprehensive legal framework of adequate and effective protection against discrimination based on sexual orientation (6.44).

- **France:** Ensure better recognition of the rights of LGBTI persons and combat discrimination against them (6.45).

- **Brazil:** Take measures to combat violence based on sexual orientation and gender identity, by guaranteeing the freedom of speech and association of LGBTI persons (6.46).

- **Chile:** Modify Section 282 of the Penal Code by inserting a direct indication that hate crimes motivated by sexual orientation or gender identity will be an aggravating circumstance and punishable by law (6.47).

- **Netherlands:** Implement policies and programmes to protect LGBTI people from violence and intimidation, for instance by developing training programmes for police officers, or by including attacks against LGBTI people under section 282 of the Criminal Code Act 1838 (6.48).

- **Australia:** Repeal the sections of its criminal code that criminalise same-sex relationships between consenting adults and strengthen efforts to address inequality and discrimination based on sexual orientation and gender identity (6.49).

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8 The following LGBTI-hostile recommendation was made: Algeria: Continue to combat against discriminatory practices based on sex, and strengthen measures related to the protection of the family and the child (6.42)
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

- **Belgium:** Repeal section 250 of the Penal Code criminalizing homosexual relations between consenting adults (6.50).
- **Canada:** Repeal Section 250 of the Criminal Code Act with a view to decriminalizing same-sex sexual conduct between consenting adults. (6.51).
- **Ireland:** Repeal Article 250 of the Criminal Code, with a view to decriminalising same sex conduct between consenting adults, in line with the ICCPR (6.52).
- **Argentina:** Repeal the criminalization of consensual sexual relations between adults of the same sex (6.53).
- **Iceland:** Repeal all laws that criminalise persons based on their sexual orientation and gender identity (6.54).

E. Recommendations for Cycle II (2013)

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<tr>
<th>RECOMMENDATION</th>
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<tr>
<td>Repeal the sections of its Criminal Code that criminalize consensual homosexual activity</td>
<td>Australia</td>
<td>Noted</td>
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<tr>
<td>Remove from the Criminal Code the penalization of same-sex conduct between consenting adults</td>
<td>Canada</td>
<td>Noted</td>
</tr>
<tr>
<td>Repeal section 250 of the Criminal Code which criminalizes sexual conduct between consenting adults of the same sex</td>
<td>Ireland</td>
<td>Noted</td>
</tr>
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</table>

F. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: Young Queer Alliance

- To develop and implement policies and programmes (e.g. training courses) for police officers, judges and prosecutors and conduct awareness campaigns for the general public on the rights of LGBT people;
- To amend Section 282 of the Criminal Code Act 1838 by inserting a direct indication that hate crimes motivated on the basis of real or perceived sexual orientation, gender identity and gender expression, would be an aggravating circumstance, punishable by law;
- To strictly adhere to and implement the provisions of the Equal Opportunities Act 2008; and thereby, the amendment of the Protection from Domestic Violence (amendment) Act 2016 in the definition of ‘spouse’, to include and recognise marriage and/or civil partnership for same-sex couples; and,
- To consider repealing Section 250 of the Criminal Code Act 1838 with a view to decriminalise consensual sodomy between consenting individuals of legal age (with reference to the
Convention of the Rights of the Child) so as to be in line with the Mauritian Constitution as well as with the International Covenant on Civil and Political Rights (ICCPR).

G. Graphic Comparison Between Cycles (1—3)

H. Video of Mauritius’ UPR Working Group Session

I. SOGIESC Mentions During Mauritius’ UPR Outcome (Item 6, 40th Human Rights Council Session)

- **Mauritius (Opening remarks):** We have observed that several Members of the HRC have made recommendations pertaining to the protection and advancement of the LGBTI Community, the combating and prohibition of discrimination based on sexual orientation and gender identity and also for the repeal of Section 250 of the Mauritian Criminal Code that criminalize same-sex relationship between consenting adults. Though we have taken note of these various recommendations (115.40-115.54), please rest assured that the Government of Mauritius will take initiatives for the recognition of the rights of LGBTI. We are proceeding in a holistic manner. Legislative reforms will be brought once there is general consensus taking into consideration the social fabric of the country. We hope to report positively by the 4th UPR cycle on the subject matter.

- **ILGA:** It welcomed the position of Mauritius on prioritising the Human Rights issues of LGBT people following Peer States’ interventions at the UPR and commended the position taken by Mauritius concerning national awareness programs on LGBT issues. However, it regretted that Mauritius took note of the recommendations regarding LGBTI issues.
A. SOGIESC Information

National Report

35. The Supreme Court has issued nine protocols on the administration of justice, including a protocol on judging with a gender perspective and a protocol containing guidance on the adjudication of cases involving human rights violations on grounds of sexual orientation or gender identity. In addition, a protocol on political violence against women has been adopted, which helped to address 141 complaints between 2015 and 2016.

164. Without discrimination, Mexico recognizes sex changes for the issuance of passports, thereby guaranteeing the right to gender identity.

165. Since 2016, Mexico has been part of the LGBT Core Group of the United Nations and the Organization of American States.

166. The United Nations Human Rights Council adopted a resolution against violence and discrimination based on sexual orientation and gender identity, which also included provision for the mandate of an independent expert in that field.

167. A national survey on discrimination was conducted in 2017 in order to understand public perceptions of groups such as lesbian, gay, bisexual and transgender persons.

168. The National Council for the Prevention of Discrimination conducted a survey on discrimination based on sexual orientation and gender identity in order to gather information on experiences of discrimination faced by such persons.

169. A glossary on sexual and gender diversity and sexual characteristics has been prepared in order to develop conceptual tools with which to draft public policies with a comprehensive human rights focus.

170. The following documents have been drafted: a protocol regarding non-discriminatory access to medical-care services for lesbian, gay, bisexual and transsexual persons; guides on care for lesbian and bisexual women, gay and bisexual men and men who have sex with men; a protocol for trans
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persons; and a guide containing recommendations on the medical care of intersexuality and variation in sexual differentiation. The aim is to ensure effective and non-discriminatory access to health services and to foster a culture of respect for the human rights of lesbian, gay, bisexual, transgender and intersex persons in the health sector.

171. The Attorney General’s Office has drawn up a strategy for dealing with lesbian, gay, bisexual, transgender and intersex persons, which envisages the creation of statistical registers as well as information and awareness-raising campaigns.

172. Constitutionally regulated judicial mechanisms guarantee the rights of same-sex couples to marry, adopt, access social security, receive alimony, and enjoy family life.

Compilation of UN Information

12. The Committee on the Rights of the Child was concerned about the prevalence of discrimination against indigenous, Afro-Mexican and migrant children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, children in street situations and children living in poverty and in rural areas. Two other Committees raised similar concerns.

13. While taking note of the measures adopted to combat violence and discrimination against lesbian, gay, bisexual and transgender persons, the Special Rapporteur on summary executions was dismayed to learn about the recurrence of violence against them. The Special Rapporteur on human rights defenders raised similar concerns.

Summary of Stakeholder’s Information

26. JS14\(^9\) recognized developments such as specific protocols, anti-discrimination campaigns, the National Day to Combat Homophobia, national surveys on non-discrimination and dialogues with social organizations for the protection of the rights of lesbian, gay, bisexual and transgender persons. AHR noted that lesbian, gay, bisexual, transgender, and intersex persons continued to experience discrimination, harassment and violence.

27. JS14 recommended designing, budgeting for and establishing an official register of hate crimes against lesbian, gay, bisexual and transgender persons in Mexico. AHR recommended that Mexico amend the Criminal Codes of all Mexican States so that crimes committed based on the victim’s sexual orientation or gender identity are considered hate crimes.

28. The Federal District Human Rights Commission reported that progress had been made in Mexico City, as it was now possible to request a new birth certificate based on gender identity and same-sex

\(^9\) Joint submission 14 submitted by: Fundación Arcoiris por el Respeto a la Diversidad Sexual, A.C. Las Reinas Chulas Cabaret y Derechos Humanos, A.C. Clóset de Sor Juana A.C. Almas Cautivas A.C. Letra S, Sída, Cultura y Vida Cotidiana A.C. Asociación Internacional de Lesbianas Gays, Bisexuales, Trans e Intersex. Sección América Latina. ILGA-LAC. Asociación Internacional de Lesbianas Gays, Bisexuales, Trans e Intersex. ILGA World. (México);
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

marriage had been legalized, although restrictive interpretations of the law prevented same-sex couples from registering their children and led to other forms of discrimination.

29. JS6\textsuperscript{10} stated that structural impunity and the lack of compliance with business and human rights principles had specific impacts on groups in vulnerable situations, such as women, young persons, indigenous peoples, campesinos and lesbian, gay, bisexual, transgender, queer and intersex persons.

28. The Federal District Human Rights Commission reported that progress had been made in Mexico City, as it was now possible to request a new birth certificate based on gender identity and same-sex marriage had been legalized, although restrictive interpretations of the law prevented same-sex couples from registering their children and led to other forms of discrimination.

103. JS5\textsuperscript{11} reported that asylum seekers were still frequently detained and that it was difficult for them to gain access to a lawyer or an interpreter once they had been taken to a detention centre. JS14 referred to the challenges faced by lesbian, gay, bisexual and transgender migrants and asylum seekers.

B. SOGIESC Advanced Questions for Mexico

N/A

C. Mexico’s Working Group Session

- **Opening remarks:** Mexico faces considerable challenges regarding human rights, but we do not come here to downplay them or to deny them. Torture and another degrading and inhuman treatment, enforced disappearance of persons, threats and violence against human rights defenders and journalists, violence against women, violation of rights of migrants, discrimination against vulnerable groups, as well as indigenous peoples, childrens, persons with disabilities, LGBTI persons, human trafficking and a sadly high rate of impunity, call upon all us as public servants from the three branches and three level of government to strengthen our efforts as set forth in article first of our constitution.

- **Intervention made after 35 interventions:** With regards to discrimination protection in the judicial branch, the rights of LGBT persons have been reaffirmed by the Supreme Court, for example in same-sex marriage as well as the consequences of change of sex and social security and cohabitation by same-sex partners. It has also been ruled that civil laws governing marriage pursuing that this could only take place between a man and a woman have been modified with the distinction drawn between homosexual and heterosexual partners.

\textsuperscript{10} Joint submission 6 submitted by: Centro de Derechos Humanos “Fray Francisco de Vitoria OP”, A.C. y la Asociación Dominicans for Justice and Peace (Order of Preachers). (Switzerland).

\textsuperscript{11} Joint submission 5 submitted by: American Friends Service Committee; Asylum Access México; Centro de Derechos Humanos Fray Matías de Córdova, A.C.; Comisión Mexicana de Defensa y Promoción de los Derechos Humanos; Casa del Migrante de Saltillo — Frontera con Justicia, A.C.; Programa Casa Refugiados, A.C.; Sin Fronteras, I.A.P.; Coalición Internacional contra la Detención (IDC, siglas en inglés); (México);
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

undermining the principles of non-discrimination set forth in the constitution been removed. Further, same sex partners difficulties with adoption have potentially the undermined the principle of equality and non-discrimination and this is unsustainable. Various rulings of courts also have handed down from 2013 to date regarding the invalidation of certain homophobic expressions in law leading to lack of protection of such groups, also bearing in mind the principles of freedom of expression opinions. Opinions of the courts have been sorted with sexual orientation and gender identity. The Supreme Court elaborated an action plan for cases involving sexual orientation and gender identity as a tool to be used at federal and local level actors in order to fulfil their constitutional and conventional mandates of protection of human rights.

- Closing remarks: We take particular note of concerns pertaining to persons with disabilities, women, substantive equality, indigenous peoples, migrants and refugees, afro decedent people, and the situation of children, LGBTI people, journalists and human rights defenders.

D. Recommendations for Cycle III (2018)

a) Remarks of States

- Iceland: We welcome the efforts of Mexico in the advancement of human rights. We are pleased with our cooperation on the advancement of gender equality, protection of the rights of LGBTI persons, as well as persons with disabilities and welcome developments articulated in the national report.

b) The following recommendations have been examined by Mexico and have been accepted by Mexico:

- Uruguay: Include the LGBTI population in the 2018-2024 Development Plan, with a view to continue developing governmental actions to guarantee the full protection of their rights (6.24).
- Colombia: Make progress with regards non-discrimination policies against children, adolescents, indigenous peoples, African-Mexican people, migrants and LGTB persons (6.32).
- Honduras: Adopt legislative measures and policies to prevent and combat discrimination against LGBTI persons (6.33).
- Iceland: Undertake an awareness raising campaign in all Mexican States to promote a culture of respect for the human rights of LGBTI persons (6.34).
- Iceland: Improve records and other data on violence faced by LGBTI persons (6.35).
- Iceland: Recognize the important work of women human rights defenders, LGBTI defenders, environmental defenders and others; ensure their effective protection against threats and violence they face because of their work or who they are (6.36).
- Australia: Fully operationalise all measures to prevent and punish all forms of violence against women, girls and LGBTI persons (6.37).
E. Recommendations for Cycle II (2013)

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<th>RECOMMENDATION</th>
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<tr>
<td><strong>Carry out follow-up mechanisms on UPR recommendations that enable to verify the implementation and impact of norms and measures adopted to promote equal rights and non-discrimination for all citizens, particularly vulnerable groups such as women, children, ethnic minorities and LGBT communities, among others</strong></td>
<td>Colombia</td>
<td>Accepted</td>
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F. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: Fundación Arcoiris

- Undertake an awareness raising campaign for public servants in each of the States of the Republic to promote a culture of respect for human rights towards LGBT persons in Mexico, which can be evaluated in two years.
- Harmonize the legislation based on the one of Mexico City, to guarantee the approval of the Amendment to the Constitutional Article 4 regarding the right to family by eliminating adjectives such as "male and female" to be recognized as a marriage composed of any person independent of sex and gender.
- Amend article 4 of the Political Constitution to recognize the decision of change of legal identity at any time of the life of a person in Mexican territory.
- To follow up on the recommendations of the IACHR and the CEDAW that seek to improve the records and include the disaggregation of data by sexual orientation and gender identity that allows knowing the violence and conditions of vulnerability that face LGBT persons in the country and give them timely and proper attention.
- Design, allocate a budget and implement a "Formal Registry of hate crimes against LGBT people in Mexico" in the next five years.
- Ensure that the Procuraduría General de la República carries out the appropriate investigation and sanction corresponding to the hate crimes against LGBT persons that take place in each of the States of the Republic.
- Include LGBT population in El Plan Nacional de Desarrollo 2018-2024, to develop governmental actions in the different Ministries to guarantee the full protection of rights.
G. Graphic Comparison Between Cycles (1—3)

![Graphic Comparison Between Cycles](image)

H. Video of Mexico's UPR Working Group Session

I. SOGIESC Mentions During Mexico's UPR Outcome (Item 6, 40th Human Rights Council Session)

- **Mexico (Opening Remarks):** Regarding the elimination of discrimination of specific groups and the rights of LGBTI individuals, the federal law to prevent and eliminate discrimination enshrines criteria to protect and promote the right to equality and non-discrimination, including prohibiting as a justification for discrimination, homophobia, misogyny, racial segregation and other related forms of intolerance.
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

MONACO
UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 12 NOVEMBER 2018, 09:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 15 NOVEMBER 2018, 16:30 – 18:00

During the 31st UPR Working Group Sessions, Monaco received 6 SOGIESC recommendations. It accepted 1 recommendation and noted 5 recommendations.

A. SOGIESC Information

National Report

61. The Act provided for the insertion of a new article 234-2 in the Criminal Code, as follows: “If directed against a person or group of persons on account of their origin or real or presumed membership or non-membership of a particular ethnic group, people, race or religion, or on account of their real or presumed sexual orientation, the threats referred to in article 230 shall be punishable by imprisonment of between 2 and 5 years and by the fine stipulated in article 26 (4), those referred to in articles 231 and 232 by imprisonment of between 1 and 5 years and by the fine stipulated in article 26 (4), those referred to in articles 233 and 234 by imprisonment of between 6 months and 3 years and by the fine stipulated in article 26 (3).”

64. Furthermore, the Government submitted Bill No. 895 amending Act No. 975 of 12 July 1975 on the status of civil servants to the National Council, introducing into the Act the principle of non-discrimination between civil servants on the basis of their political, philosophical, religious or trade union opinions, sexual orientation, state of health, disability, physical appearance or ethnicity.

Compilation of UN Information

12. The Committee on the Elimination of Discrimination against Women noted the prohibition of discrimination in the Constitution, as well as in the law on freedom of public expression, which prohibited incitement to hatred and violence against an individual on the ground of sexual orientation. It was concerned, however, about the lack of antidiscrimination legislation protecting women who were lesbian, bisexual, transgender or intersex beyond those laws. It also noted with concern that violence based on sexual orientation or on being transgender or intersex was not considered an aggravating factor in the Criminal Code. It recommended that Monaco provide lesbian, bisexual, transgender and intersex women with the necessary protection from discrimination and violence, and that it adopt specific anti-discrimination legislation and criminal law provisions explicitly recognizing violence based on sexual orientation or on being transgender or intersex as an aggravating factor.
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

Summary of Stakeholder’s Information

18. The CoE-Commissioner for Human Rights noted with satisfaction that a bill had recently been passed by the National Council to enable non-married partners, including those of the same sex, to obtain legal recognition and protection of their union. He strongly encouraged the authorities to translate this project into action without delay.

21. CoE-ECRI noted that in order to enable homosexual couples to benefit from the new provisions on the prevention of domestic violence, the concept of “persons who live or have lived together under the same roof as the victim” was introduced to the Criminal Code following a long debate.

B. SOGIESC Advanced Questions for Monaco

N/A

C. Monaco’s Working Group Session

N/A

D. Recommendations for Cycle III (2018)

a) Remarks of States

-Canada: Canada welcomes the steps taken by Monaco to enhance legal protections offered to same-sex couples.
-Chile: Likewise, we are concerned that there are still complaints of discrimination and violence against the LGTBI population, so we hope that measures will be taken to protect them.
-Netherlands: However, the Netherlands remains concerned about two issues relating to women’s rights and LGBTI rights.
-Spain: Finally, in order to combat discrimination based on sexual orientation, gender identity and/or sex characteristics, we recommend [...].

b) The following recommendations have been examined by Monaco and enjoy the support of Monaco

-Chile: Adopt specific legislation aimed at eradicating, punishing and preventing all forms of discrimination, violence or abuse against persons based on their sexual orientation or gender identity (6.24).

c) The following recommendations have been examined by Monaco and have been noted by Monaco

-Canada: Adopt a civil union agreement that grants equal rights from that of marriage to unmarried partners (8.24).
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

- **Iceland**: Adopt marriage equality legislation, extending full marriage rights to same-sex couples (8.25).
- **Netherlands**: Amend legislation in order to grant equal recognition and legal rights to same-sex couples, in particular with respect to laws governing marriage, cohabitation of couples, adoption and employment discrimination (8.26).
- **Brazil**: Enact legislation to protect and promote the rights of LGBTI persons (8.27).
- **Spain**: Protect LGBTI persons by, for example, adopting specific legislation against hate crimes and guaranteeing their full social integration and participation of LGBTI people in all spheres of life (8.28).

**E. Recommendations for Cycle II (2013)**

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<tr>
<td>Establish a mechanism that monitors gender equality in employment, wage discrimination against women and discrimination on sexual orientation.</td>
<td>United Kingdom</td>
<td>Accepted</td>
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**F. Graphic Comparison Between Cycles (1—3)**

![Number of SOGIESC Recommendations Received by Monaco Per Cycle](image)

**G. Video of Monaco’s UPR Working Group Session**

**H. SOGIESC Mentions During Monaco's UPR Outcome** (Item 6, 40th Human Rights Council Session)

N/A
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

NIGERIA
UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 6 NOVEMBER 2018, 14:30 - 18:00
DATE AND TIME OF THE ADOPTION OF THE REPORT: 9 NOVEMBER 2018, 15:00 – 18:00

During the 31st UPR Working Group Sessions, Nigeria received 13 SOGIESC recommendations. It noted all 13 recommendations.

A. SOGIESC Information

National Report

2. Nigeria accepted 172 recommendations during the second cycle review and promised to examine 34 recommendations and provide response at the twenty-fifth session of the Human Rights Council. Most of the recommendations have to do with the abolition of death sentence. Nigeria rejected ten recommendations concerning decriminalization of offences relating to sexual orientation or gender identity. The accepted recommendations have been grouped into thirty-six clusters to simplify the report. Efforts at addressing the concerns are found in section D of this report.

Compilation of UN Information

N/A

Summary of Stakeholder’s Information

10. JS8\(^{12}\) stated that discrimination had remained institutionalised in families and communities, and was evident in the behaviours of government officials, such as the police, health workers and educators.\(^ {12}\)\(^ {13}\) Nigeria had continued to allow the violation of the rights of the LGBT population, despite its obligations to protect those rights arising from several international human rights conventions to which it was a party.

11. JS5\(^{13}\) recalled that Nigeria had not supported any of the recommendations from the previous review that inter alia related to the repealing of those laws that discriminated based on sexual orientation and gender identity. Certain provisions in the Criminal Code, Penal Code and the National Law and Drug Enforcement Act had disproportionately affected gay men, female sex workers, and intravenous drug users. The Same Sex Marriage (Prohibition) Act had negative consequences beyond the deprivation of marriage rights for gay men and women. JS5 stated that, under Sharia law the penalty for homosexuality was death. The Violence against Persons (Prohibition) Act of 2015, had

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\(^{13}\) Joint Submission 5 submitted by: Heartland Alliance International, Chicago, United States of America, American University, Washington College of Law, International Human Rights Law Clinic, United States of America
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

done little to protect gay men, female sex workers and intravenous drug users as vulnerable populations.19 AFA stated that the Act was yet to be incorporated into domestic legislation in all states.

12. JS8 stated that expansive provisions of the Same Sex Marriage (Prohibition) Act had served to codify homophobia and transphobia. JS12\(^{14}\) stated that the Act, which generally criminalized same sex relationships, had created additional criminal offences that targeted persons based on their sexual orientation. JS8 stated that the Act had effectively legalized discrimination and had allowed people to act with impunity. Since its enactment there had been an increase in crimes and human rights violations against LGBT persons and their defenders. JS13\(^{15}\) stated that the Act and other discriminatory laws had been used to subject the LGBT community to violations including invasion of privacy, assault and battery, blackmail and extortion, denial of access to amenities and education.

13. Referring to a relevant study, JS12 noted a significant increase in fear in seeking healthcare services by men who had sex with men after the enactment of the Same Sex Marriage (Prohibition) Act (2014).25 JS13 stated that sections 5(2) and (3) of the Act had hindered access to Anti-Retroviral Vaccines, HIV testing and counselling services.26 JS8 stated that LGBT persons had experienced difficulties in accessing health care services. The denial of such services would have a negative impact on Nigeria’s progress towards HIV eradication.

15. JS5 stated that gay men, female sex workers and intravenous drug users had experienced significant discrimination, influenced by traditional culture as well as religious moral values.

75. JS8 stated that homophobic bullying in schools had proven to be a serious impairment to adequate access to education. There had also been a failure to provide comprehensive and inclusive education on sexual orientation and gender identity in schools.

B. SOGIESC Advanced Questions for Nigeria

-United States of America: What steps is the government taking to stop arbitrary/pre-textual arrests of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, and how is the government protecting these individuals from violence?
-United Kingdom: What steps are the Nigerian Government taking to ensure that the human rights of all citizens are protected, regardless of sexual orientation?

C. Nigeria’s Working Group Session

- Opening Remarks: In response to the question raised by the United States of America and United Kingdom, regarding the LGBT, Nigeria makes reference to its second periodic report on this subject, and its position still remains the same.

\(^{14}\) Joint Submission 12 submitted by: Lawyers Alert, Makurdi, Benue State, Nigeria; and Southern Africa Litigation Centre, Johannesburg, South Africa.

\(^{15}\) Joint Submission 13 submitted by: Women Action for Gender Equality, Kano, Nigeria; Coalition of African Lesbians, Braamfontein, Johannesburg; and Sexual Rights Initiative, Ottawa, Canada.
- Intervention made after 35 interventions: On the issue of LGBT we made clear that our position remains unchanged.

- Some delegates had raised concern on the issue of discrimination on the ground of sexual orientation. I will try to make some responses to that. We note that the issue of sexual orientation does not enjoy consensus on the United Nations human rights system. All attempts to integrate sexual orientation into existing universally recognized human rights have so far failed. The overwhelming majority of Nigerians objects to same sex relationships based on their deep religious, cultural and moral orientation, against which no government could successful legislate. such a legislation would be a war against society that government must avoid at this time, in light of its numerous challenges. For most Nigerians questions as extreme poverty, right to food and shelter, education and health, and the right to development are of much greater concern and urgency. Nigeria has no policy of practices of witch hunting people based on their sexual orientation. They enjoy their fundamental human rights as citizens of Nigeria irrespective of their sexual orientation.

D. Recommendations for Cycle III (2018)

a) Remarks of States

- United States: We remain deeply concerned by allegations of human rights violations and abuses, including those involving sexual exploitation and abuse of internally displaced persons, extrajudicial killings, arbitrary or unlawful detention by the Nigerian military and the Civilian Joint Task Force, and the targeting of LGBTI persons.

b) The following recommendations have been examined by Nigeria and have been noted by Nigeria

- Italy: Adopt measures to combat all forms of discrimination, especially against women and LGBTI persons (6.67).
- France: Fight against discrimination based on sexual orientation or gender identity (6.71).
- Uruguay: Adopt measures to combat violence and discrimination based on sexual orientation and gender identity, repealing the section of the Penal Code that criminalizes homosexuality with the death penalty, as previously recommended (6.72).
- Austria: Amend and review all legislation and policies with a view to decriminalizing same sex relations (6.73).
- Iceland: Repeal legislation that discriminates on the basis of sexual orientation or gender identity (6.74).
- New Zealand: Repeal all relevant legislation that discriminates against LGBTI individuals and same sex marriage (6.75).
- Belgium: Abrogate the new discriminatory legislation on sexual orientation and gender identity, which criminalises, inter alia, consensual sexual relations between people of the same sex (6.76).
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- **Mexico**: Review the law on the prohibition of violence against persons of 2015 in order to prohibit all types of violence without discrimination including discrimination based on sexual orientation and gender identity (6.77).
- **Argentina**: Take necessary measures to repeal from the legislation the norm that runs counter to the human rights of the LGBTI community, and investigate and punish those, who commit discrimination on the grounds of sexual orientation (6.78).
- **Chile**: Ensure full territorial coverage by the Law on Prohibiting Violence against Persons, especially Article 37, in order to ensure that all, regardless of their sexual orientation or gender, will be able to find legal reparation for the violence they suffered from (6.79).
- **Germany**: Repeal the Same-Sex Marriage Prohibition Act of 2013 and ensure that nobody is punished because of their sexual orientation and release all individuals held in detention because of homosexuality (6.80).
- **Iceland**: Release all individuals held in detention because of their real or perceived sexual orientation or gender identity (6.81).
- **Australia**: Protect the rights to freedom of association, expression and peaceful assembly for all Nigerians, regardless of ethnicity, religion, sexual orientation or gender identity (6.183).

**E. Recommendations for Cycle II (2013)**

<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
<th>RECOMMENDING STATE</th>
<th>RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amend and review all legislation and policies, including the Same-Sex Marriage Bill, with a view to decriminalize LGBTI persons</td>
<td>Austria</td>
<td>Noted</td>
</tr>
<tr>
<td>Revise laws discriminating against LGBTI persons, including refraining from signing into law any new legislation criminalizing LGBTIs</td>
<td>Czechia</td>
<td>Noted</td>
</tr>
<tr>
<td>Establish policies and procedures that protect the human rights and security of all Nigerians including LGBT persons, their families and associates</td>
<td>United States</td>
<td>Noted</td>
</tr>
<tr>
<td>Ensure the universality of human rights, safeguarding and protecting human rights of all Nigerians irrespective of gender, age, sexual orientation, gender identity or religious affiliation</td>
<td>Sweden</td>
<td>Noted</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Statement</th>
<th>Country</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure that no legislation discriminates between men and women, and enact legislation to prevent violence against people based on sexual orientation</td>
<td>Canada</td>
<td>Noted</td>
</tr>
<tr>
<td>Take steps to ensure that the human rights of all citizens are protected, regardless of their religion, sexual orientation or gender identity</td>
<td>Australia</td>
<td>Noted</td>
</tr>
<tr>
<td>Consider the adoption of the necessary measures to eradicate discrimination on the grounds of sexual orientation</td>
<td>Argentina</td>
<td>Noted</td>
</tr>
<tr>
<td>Release all persons imprisoned or detained on the grounds of their sexual orientation or gender identity</td>
<td>Austria</td>
<td>Noted</td>
</tr>
<tr>
<td>Repeal all provisions that give rise to discrimination based on sexual orientation or gender identity</td>
<td>France</td>
<td>Noted</td>
</tr>
<tr>
<td>Adopt measures to combat discrimination against persons on the grounds of their sexual orientation or gender identity, and decriminalize sexual acts between consenting adults of the same sex, in order to bring its legislation in line with the Second Optional Protocol to the Covenant on Civil and Political Rights</td>
<td>Uruguay</td>
<td>Noted</td>
</tr>
</tbody>
</table>

F. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: Equality Triangle Initiative

- Review, with the aim of repealing, Section 214-217 of the Criminal Code, which criminalizes and penalizes consensual private same sex relationships between adults in addition to provision of the Sharia Penal Code of Northern Nigeria which enforces capital punishment for those convicted of the crime of homosexuality.
- Ensure that the fundamental right to freedom of association and peaceful assembly is respected and protected for all Nigerians without distinction of any kind and in accordance with the Chapter IV of the 1999 Constitution and other international human rights treaties which
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Nigeria has signed and ratified, including the African Charter on Human and Peoples’ Rights which is domesticated as part of national laws.
- Rescind Section 4 (1), 5 (2, 3) and of the Same Sex Marriage Prohibition Act, 2014, which denies the fundamental rights to freedom of association and peaceful assembly for LGBT persons and organizations working to serve their interests, in addition to the freedom of expression and opinion which interferes with the full enjoyment of all other fundamental freedoms contained with the 1999 Constitution as amended.
- The Parliament of the Federal Republic of Nigeria review with the aim of expanding the territorial scope of the Violence against Persons’ Prohibition Act, 2015, especially Article 37, as part of ensuring that everyone in Nigeria and no matter their sexual orientation or gender identity can seek redress for violence with this instrument.
- To ensure that agencies such as the Federal Ministry of Health, National Agency for the Control of AIDS and others take measures to put in place a UNESCO-standard comprehensive sexuality education and ensure that all young persons, regardless of their sexual orientation or gender identity have full and unimpeded access to enable them to take informed decisions about their sexual health in addition to providing resources that allow for the attainment of this.
- In line with the Abuja Declaration, allocate 15% of the national budget to health in order to ensure adequate resources for health and health care for all Nigerians without distinction of any kind, especially taking concerted efforts to ensure budgetary allocation for the sexual reproductive health rights of young people no matter their sexual orientation or gender identity.
- In line with the Convention against Torture, the government of the Federal Republic of Nigeria should adopt measures to ensure that the recently signed 2016 Anti-Torture Act prevents, prohibits and eliminates all forms of psychological, physical and other forms of cruel, inhumane and degrading treatment of persons based on actual or perceived sexual orientation and/or gender identity.
- The Parliament of the Federal Republic of Nigeria should ensure quick passage of the Gender and Equal Opportunities Bill whose provisions are in line with the provisions of the Convention on the Elimination of all forms of Discrimination against Women.

G. Graphic Comparison Between Cycles (1—3)
The International Lesbian, Gay, Bisexual, Trans and Intersex Association

H. Video of Nigeria’s UPR Working Group Session

I. SOGIESC Mentions During Nigeria’s UPR Outcome (Item 6, 40th Human Rights Council Session)

- **Nigeria (Opening remarks):** With respect to same sex marriage, LGBTI and sexual orientation, Nigeria does not support these recommendations, because same-sex marriage is against our national values. It is important to state that the Marriage Act defines marriage as a relationship between a man and a woman. Christianity and Islam, which are the major religions in Nigeria, also recognise marriage as a relationship between a man and woman. Same-sex marriage is not in the culture of Nigerians. Nigeria makes reference to its second periodic report on this subject and this firm position remains the same. The Same Sex Marriage (Prohibition) Act does not detract from the fundamental human rights of any person in Nigeria. Therefore, there is no basis to allege any form of discrimination.

- **International Humanist and Ethical Union:** It regretted the state's comments on same-sex relationships during the review, regarding the majority of Nigerians rejecting those relations. It highlighted that the majority view should not refrain minorities of their universally held human rights to equal treatment and non-discrimination. It stated that this right has been trumped by the Same-Sex Marriage Prohibition Act.

- **Federation for Women and Family Planning:** It expressed concern by failure of the state to accept recommendations focusing on the rights to freedom of assembly and peaceful association for LGBT persons and the impact this will have on the lives of LGBT persons. It also stated that since the passage into law of the Same Sex Marriage Prohibition Act 2014, LGBT organizations have recorded more that 1000 cases of human rights violation perpetrated by both state and non-state actors and urged that member states to be guided by local advocates as they continue their diplomatic advocacy with Nigeria in ensuring that unjust and discriminatory laws are repealed and that human rights violations based on SOGIE are eliminated.
During the 31st UPR Working Group Sessions, Saudi Arabia received 0 SOGIESC recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

11. The Committee on the Rights of the Child remained concerned that children of Saudi mothers and non-Saudi fathers, lesbian, gay, bisexual, transgender and intersex children, children with disabilities, children born out of wedlock, children of migrant workers and children belonging to Shia and other religious minorities continued to be subjected to persistent discrimination. It urged Saudi Arabia to eliminate de jure and de facto discrimination on any grounds against all children, and to conduct awareness-raising campaigns to eliminate the stigma attached to children born out of wedlock.

Summary of Stakeholder’s Information

N/A

B. SOGIESC Advanced Questions for Saudi Arabia

N/A

C. Saudi Arabia’s Working Group Session

N/A

D. Recommendations for Cycle III (2018)

N/A

E. Recommendations for Cycle II (2013)

N/A
F. Graphic Comparison Between Cycles (1—3)

N/A

G. Video of Saudi Arabia’s UPR Working Group Session

H. SOGIESC Mentions During Saudi Arabia’s UPR Outcome (Item 6, 40th Human Rights Council Session)

N/A
During the 31st UPR Working Group Sessions, Senegal received 13 SOGIESC recommendations. It noted 13 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

N/A

Summary of Stakeholder’s Information

23. AI reiterated Senegal's commitment to respect, protect and fulfil the human rights of all people, without discrimination of any kind, including on the basis of sexual orientation or gender identity.

24. HRW recommended to adopt and implement an anti-discrimination legislation that protects individuals from discrimination on the basis of sexual orientation.

25. JS4 recommended that Senegal should bring article 319 of the Criminal Code in line with the Constitution (articles 1, 7, 8 and 16) by specifying that the law does not permit discrimination or violence on any grounds, including sexual orientation and gender identity. HRW also recommended that all provisions, including article 319 of the Criminal Code, that could give rise to discrimination or violence on the grounds of sexual orientation or gender identity should be repealed and that respect for the fundamental freedoms of all citizens should be guaranteed.

34. AI recommended to promptly, thoroughly, independently and impartially investigate all allegations of attacks, arbitrary arrest and detention of persons on the basis of their real or perceived sexual orientation or gender identity and expression and bring anyone suspected to be responsible to justice in a fair trial.

35. AI recommended to instruct the police to put an end to the arbitrary arrest and detention of people on the basis of their real or perceived sexual orientation or gender identity.

16 Joint submission 4 submitted by: The Sexual Rights Initiative, Ottawa (Canada).
B. SOGIESC Advanced Questions for Senegal

- Belgium: With increased intolerance towards LGBTI people, is Senegal considering repealing provisions of the Penal Code that criminalize consensual sex between adults?

C. Senegal's Working Group Session

- Opening Remarks: The law does not prohibit the freedom of sexual orientation, but rather acts against nature or indecency acts which can be assimilated to public indecency. In the meantime, Senegal is a tolerant country and it respects human rights, but it is not yet ready to legalize homosexuality.

- Intervention made after 39 interventions: You asked us questions on the LGBTI group. We do not have a specific law that prohibits sexual orientation, prohibits or restricts the sexual orientation of our citizens. We have no law prohibiting homosexuality, nobody is in prison today because they are homosexual, that is just not the case. What is punished in Senegal are public acts against nature, that is what is criminalized by the Criminal Code. This being said, to be clear, the Senegalese people and Senegalese state respects human rights but is not yet ready to recognize the legalization of homosexuality. Article 319 is the Criminal Code provision that punishes acts against nature, but homosexuality is not punishable \textit{per se}. But once again, as I was saying, the country is still not ready to legalize homosexuality.

- Intervention made after 78 interventions: Still one matter remains pending, for LGBTI. How many people have been prosecuted for the offense of the article 319 of the Criminal Code. Well, nobody has been detained on the grounds of sexual orientation or gender identity and courts have established no jurisdiction over any offense in connection with these matters. People are only convicted when they act in the street, when they commit this crime in the street. And this is a crime that amounts to indecency exposure.

D. Recommendations for Cycle III (2018)

a) Remarks of States

- Brazil: We encourage it (Senegal) to take the necessary measures to prevent and combat violence against the LGBTI community.

- Netherlands: Senegal's efforts to combat discrimination are commendable. However, non-discrimination is a constitutional right that should count for all Senegalese, including LGBTIs.

- Spain: Spain remains concerned about the discrimination and continued intimidation suffered by LGBTI persons and the social, institutional and judicial intolerance in this area.

- United Kingdom: We also urge improved access to sexual and reproductive health care services the full decriminalisation of homosexuality.
b) The following recommendations recommendations have been examined by Senegal and have been noted by Senegal

- **France**: Fight against discrimination based on sexual orientation and gender identity (7.4).
- **Luxembourg**: Take effective measures to fight against the persecution and exclusion of LGBTI persons (7.5).
- **Iceland**: Adopt and implement an anti-discrimination legislation that protects individuals from discrimination, including on the basis of sexual orientation and gender identity (7.6).
- **Ireland**: Take all necessary steps to combat the persecution of persons on the basis of their sexual orientation or gender identity, in particular by revising as appropriate Article 319 of the Penal code, as previously recommended (7.7).
- **Israel**: Introduce in the legislation an express definition of discrimination, including as ground sex, gender, sexual orientation or gender identity or expression (7.8).
- **Uruguay**: Mend the national penal code to prohibit all forms of discrimination and violence, including when motivated by sexual orientation or gender identity, in order to guarantee respect for fundamental liberties for all citizens (7.9).
- **Chile**: Repeal all provisions that give rise to discrimination and violence based on any ground, including sexual orientation and gender identity, and guarantee the respect for fundamental freedoms for all citizens, including article 319 of the Criminal Code (7.10).
- **Netherlands**: Change article 319 of the Penal Code and to no longer discriminate on the basis of sexual orientation (7.11).
- **Australia**: Decriminalise same-sex relationships between consenting adults and strengthen efforts to address inequality, violence and discrimination based on sexual orientation and gender identity (7.12).
- **Spain**: Rescind the provisions of the Criminal Code that criminalize consensual sexual relations between people of same sex (7.13).
- **United States of America**: Decriminalize consensual same sex sexual relations between adults, investigate violence perpetrated against members of the LGBTI community, and end arbitrary arrests of individuals suspected of consensual same sex activity (7.14).
- **Mexico**: Prohibit discrimination on the basis of sexual orientation and gender identity and decriminalize consensual sexual relations between adults of the same sex (7.15).
- **Canada**: Protect the rights of people from LGBTI communities, train police officers in this regard and put an end to the arbitrary arrests and detention of these persons (7.16).

### E. Recommendations for Cycle II (2013)

<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
<th>RECOMMENDING STATE</th>
<th>RESPONSE</th>
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</thead>
<tbody>
<tr>
<td>Amend national legislation that entails discriminatory practices, prosecution and punishment of</td>
<td>Uruguay</td>
<td>Noted</td>
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</table>
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<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Country</th>
<th>Status</th>
</tr>
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<tbody>
<tr>
<td>The recommendation for the protection and promotion of tolerance.</td>
<td>Argentina</td>
<td>Noted</td>
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<tr>
<td>Consider adopting all necessary measures to achieve the non-discrimination,</td>
<td>Austria</td>
<td>Noted</td>
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<td>protection and integration of the LGBT population.</td>
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<tr>
<td>Effectively implement the principle of non-discrimination, including on</td>
<td>Belgium</td>
<td>Noted</td>
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<tr>
<td>grounds of sexual orientation.</td>
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<tr>
<td>Amend its Penal Code to decriminalise sexual relations between persons of the</td>
<td>Brazil</td>
<td>Noted</td>
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<td>same sex.</td>
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<tr>
<td>Take all the necessary measures to guarantee that LGBT individuals do not face</td>
<td>Greece</td>
<td>Noted</td>
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<tr>
<td>persecution of any kind.</td>
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<tr>
<td>Repeal all laws criminalizing sexual orientation and gender identity and take</td>
<td>Paraguay</td>
<td>Noted</td>
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<tr>
<td>concrete measures for the protection of sexual minorities.</td>
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<tr>
<td>Promote respect for human rights of all discriminated groups on grounds of</td>
<td>Thailand</td>
<td>Noted</td>
</tr>
<tr>
<td>gender, sexual orientation, disability or ethnicity.</td>
<td></td>
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<tr>
<td>Ensure equal treatment and non-discrimination against lesbian, gay, bisexual,</td>
<td>Germany</td>
<td>Noted</td>
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<tr>
<td>and transgender persons, and other vulnerable groups.</td>
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<tr>
<td>De-criminalize homosexuality, establish a de-facto moratorium on Article 319 of</td>
<td></td>
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<tr>
<td>the Penal Code, and ensure that the Code is not used as basis for</td>
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</table>
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<table>
<thead>
<tr>
<th>arbitrary arrests by the police</th>
<th>Ireland</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Take steps to combat the persecution of persons on the basis of their sexual orientation or gender identity, in particular by removing Article 319.3 from the Penal Code so as to decriminalise consensual sexual conduct between persons of the same sex</td>
<td></td>
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</tr>
<tr>
<td>Change Article 319 of the Penal Code and start a national dialogue on the acceptance of homosexuality</td>
<td>Netherlands</td>
<td>Noted</td>
</tr>
<tr>
<td>Amend the Criminal Code to respect, protect and enforce the right to non-discrimination for all citizens regardless of their sexual orientation</td>
<td>Switzerland</td>
<td>Noted</td>
</tr>
<tr>
<td>Decriminalize consensual sexual acts between adults of the same sex and criminalize violence committed against individuals based on their sexual orientation</td>
<td>Mexico</td>
<td>Noted</td>
</tr>
</tbody>
</table>

F. Graphic Comparison Between Cycles (1—3)

G. Video of Senegal’s UPR Working Group Session
H. **SOGIESC Mentions During Senegal's UPR Outcome** (Item 6, 40th Human Rights Council Session)

- **Amnesty International**: It regretted that all recommendations related to SOGI were noted and expressed concern that Senegal admitted that it enforces the criminalization of “unnatural acts” and claimed that the country is “not ready to legalize homosexuality”.